LAWS, RESOLUTIONS AND MEMORIALS

OF THE

STATE OF MONTANA

PASSED BY THE

THIRTEENTH REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY

Held at Helena, the Seat of Government of Said State,
Commencing January 6, 1913, and Ending
March 6, 1913.

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Certificate of Authentication

STATE OF MONTANA, }
Secretary's Office. } ss.

I, A. M. Alderson, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Thirteenth Regular Session of the Legislative Assembly of said state, commencing January 6th, 1913, and held at Helena, the seat of government of said state, and, in addition, true and correct copies of laws initiated and passed by the People of Montana at the general election of November, 1912.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at the City of Helena, the seat of government of said State of Montana, this 20th day of April, A. D. 1913.

(SEAL)

A. M. ALDERSON,
Secretary of State.

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OFFICERS AND MEMBERS

OF THE

THIRTEENTH LEGISLATIVE ASSEMBLY

OF THE

STATE OF MONTANA

Governor, SAM V. STEWART

Lieutenant Governor and President of the Senate

W. W. McDOWELL

Speaker of the House of Representatives

A. D. MACDONALD

STATE SENATORS

Name.	Politics.	County.	Residence.
*Abbott, P. M.	Dem.	Gallatin	Three Forks.
*Asbridge, Jos. L.	Dem.	Musselshell	Roundup.
*Boardman, J. M.	Pro.	Dawson	Poplar.
*Burla, G. F.	Dem.	Big Horn	Hardin.
*Brownlee, Robt.	Rep.	Sweet Grass	Big Timber.
Burlingame, J. M.	Rep.	Cascade	Great Falls.
*Byrnes, Owen	Dem.	Lewis and Clark	Gould.
*Cato, O. C.	Dem.	Custer	Miles City.
Christopher, W. E.	Rep.	Sanders	Thompson.
*Darroch, J. M.	Dem.	Park	Livingston.
Dearborn, A. R.	Dem.	Granite	Philipsburg.
Donlan, Edward	Rep.	Missoula	Missoula.
Duncan, M. M.	Dem.	Madison	Virginia City.
Edwards, J. E.	Rep.	Rosebud	Forsyth.
Gallwey, H. A.	Dem.	Silver Bow	Butte.
George, W. B.	Dem.	Yellowstone	Billings.
*Grande, A. C.	Rep.	Meagher	Lennep.
Groff, H. C.	Dem.	Ravalli	Victor.
Larson, T. O.	Rep.	Teton	Choteau.
Leary, Jas. E.	Dem.	Lincoln	Libby.
Leighton, I. A.	Rep.	Jefferson	Boulder.
*MacKenzie, D. S.	Rep.	Hill	Havre.
*Minor, J. M.	Dem.	Deer Lodge	Anaconda.
Muffly, Chas.	Dem.	Broadwater	Winston.
*O'Shea, D. G.	Dem.	Carbon	Red Lodge.
Selway, E. O.	Rep.	Beaverhead	Dillon.
*Stevens, Geo. H.	Rep.	Chouteau	Ft. Benton.
Stout, Thos.	Dem.	Fergus	Lewistown.
Survant, John	Rep.	Valley	Malta.
*Taylor, L. B.	Pro.	Blaine	Chinook.
Whiteside, Fred.	Dem.	Flathead	Kalispell.
*Williams, Chas. H.	Rep.	Powell	Deer Lodge.

* Holdover Senators.

G. G. WATTS, Secretary.

HeinOnline -- 1913 III 1913

HOUSE OF REPRESENTATIVES

Name.	Politics.	County.	Residence.
Annin, J. B.	Pro.	Yellowstone	Columbus.
Blair, George A.	Pro.	Ravalli	Victor.
Blair, John W.	Rep.	Powell	Helmville.
Blake, Harold N.	Rep.	Deer Lodge	Anaconda.
Brower, Andrew J.	Rep.	Missoula	Ronan.
Burnett, Harvey	Dem.	Fergus	Giltedge.
Burns, James	Dem.	Cascade	St. Peters.
Camp, E. B.	Rep.	Yellowstone	Billings.
Carnal, F. A.	Pro.	Hill	Havre.
Carroll, Chas. P.	Dem.	Granite	Drummond.
Chrismas, Wm.	Dem.	Carbon	Joliet.
Clark, T. L.	Dem.	Teton	Sweet Grass.
Clay, Geo. W.	Rep.	Valley	Malta.
Collins, John	Pro.	Blaine	Harlem.
Conner, Chas. H.	Soc.	Lincoln	Eureka.
Cookingham, R. T.	Pro.	Valley	Malta.
Cramer, M. W.	Pro.	Yellowstone	Laurel.
Crippen, H. C.	Pro.	Yellowstone	Billings.
Crull, E. J.	Rep.	Musselshell	Roundup.
Cutts, William	Dem.	Silver Bow	Butte.
Davidson, John	Pro.	Rosebud	Lee.
Davis, John A.	Pro.	Valley	Plentywood.
Day, E. C.	Dem.	Lewis and Clark	Helena.
Doggett, Jeff	Rep.	Broadwater	Townsend.
Drinkard, Charles A.	Dem.	Fergus	Lewistown.
Durkan, Martin	Dem.	Cascade	Great Falls.
Eliel, Frank	Rep.	Beaverhead	Dillon.
Ellingson, Henry	Rep.	Carbon	Bear Creek.
Ezekiels, Mark	Dem.	Silver Bow	Butte.
Fishbaugh, L. M.	Dem.	Chouteau	Carter.
Fisher, Henry	Dem.	Lewis and Clark	Helena.
Gleason, John Q.	Dem.	Silver Bow	Butte.
Glenn, L. D.	Rep.	Meagher	Harlowton.
Gould, Mert	Dem.	Madison	Twin Bridges.
Graybeal, J. M.	Dem.	Gallatin	Bozeman.
Harmon, W. E.	Rep.	Gallatin	Bozeman.
Heinrich, F. M.	Dem.	Big Horn	Lodge Grass.
Henley, J. B.	Pro.	Missoula	Missoula.
Higgins, Ronald	Rep.	Missoula	Missoula.
Holt, Elmer	Dem.	Custer	Miles City.
Hough, W. H.	Rep.	Carbon	Bridger.
Huddleston, John	Dem.	Silver Bow	Butte.
Hustead W. D.	Dem.	Madison	Pony.
Jahreiss, John	Dem.	Silver Bow	Butte.
Jewell, John Jacob	Dem.	Fergus	Philbrook.
Johnson, Raymond R.	Dem.	Deer Lodge	Anaconda.
Jordan, A. L.	Pro.	Flathead	Columbia Falls.
Jordan, E. E.	Pro.	Dawson	Wibaux.
Kelly, W. H.	Dem.	Custer	Miles City.
Kemmis, Walter D.	Pro.	Dawson	Sidney.
Kiley, John	Dem.	Silver Bow	Butte.
King, W. R.	Dem.	Chouteau	Virgelle.
Kirschwing, Joseph	Dem.	Cascade	Great Falls.
Kuphal, F. W.	Dem.	Missoula	Missoula.
Largey, E. Creighton	Dem.	Silver Bow	Butte.
Lemon, Charles A.	Dem.	Deer Lodge	Anaconda.
Lovelace, John A.	Dem.	Park	Livingston.
McClung, Charles F.	Dem.	Park	Livingston.
McMahon, William J.	Dem.	Silver Bow	Butte.
McNally, James E.	Dem.	Silver Bow	Butte.
Macdonald, A. D.	Dem.	Flathead	Kalispell.
MacRae, Charles	Pro.	Ravalli	Woodside.
Mains, D. F.	Rep.	Teton	Valier.
Mayfield, H. T.	Pro.	Flathead	Whitefish.
Meadors, J. P.	Rep.	Dawson	Riverview.
Murphy, Dennis	Dem.	Silver Bow	Butte.
Murray, Frank C.	Dem.	Cascade	Great Falls.
Norton, Thomas J.	Dem.	Silver Bow	Butte.
Nye, W. N.	Rep.	Sweet Grass	Big Timber.
O'Neill, Frank D.	Dem.	Custer	Mizpah.
Phillips, Ira J.	Dem.	Fergus	Straw.
Pope, Joseph	Pro.	Yellowstone	Laurel.
Poulsson, W. C.	Rep.	Chouteau	Fort Benton.
Prescott, Clarence	Dem.	Missoula	Missoula.
Rhoades, W. B.	Dem.	Flathead	Kalispell.
Rowe, Wearn	Rep.	Chouteau	Fort Benton.
Sickler, A. R.	Dem.	Rosebud	Forsyth.
Smith, Hedley F.	Dem.	Lewis and Clark	Helena.
Snogen, Dominic	Dem.	Cascade	Belt.
Stewart, H. M.	Dem.	Gallatin	Bozeman.
Sullivan, M. J.	Dem.	Jefferson	Alhambra.
Sweet, E. A.	Dem.	Sanders	Dixon.
Tighe, W. J.	Rep.	Cascade	Great Falls.
Walker, Frank E.	Dem.	Silver Bow	Butte.
Word, William F.	Dem.	Lewis and Clark	Helena.
Working, Lincoln	Rep.	Lewis and Clark	Helena.

C. Z. POND, Chief Clerk.

HeinOnline -- 1913 IV 1913

CONTENTS.

Chap.	No. Bill.	House or Senate.		Page.
1	1	Senate	An Act for the submission to the qualified electors of the State of Montana an amendment to Section 2 of Article IX of the Constitution of the State of Montana relating to rights of suffrage and qualification to hold office	1
2	8	House	An Act to amend Section 4659 of the Revised Codes of Montana of 1907 relative to acknowledgments	2
3	9	House	An Act to amend Section 4684 of the Revised Codes of Montana of 1907 relating to form of acknowledgments	2
4	10	House	An Act to amend Section 4631 of the Revised Codes of Montana of 1907 relative to the validity of instruments affecting real property now recorded	3
5	21	House	An Act to amend Section 3353 of the Revised Codes of Montana relating to vacancies in county offices, how filled and the length of time an appointee shall hold office	4
6	51	House	An Act to encourage the breeding and disseminating of better farm animals in the State of Montana and providing penalties for violation of any of the provisions	5
7	18	Senate	An Act to prohibit unfair competition and discrimination and providing a penalty for the infraction of the provisions thereof	6
8	19	Senate	An Act to prohibit unfair competition and discrimination and providing a penalty for the infraction of the provisions thereof	7
9	13	Senate	An Act to authorize the Government of the United States, the United States Commissioner of Fisheries and its or his duly authorized agents, the right to conduct fish hatcheries and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper at a United States Fish Cultural station, to be established by the Government of the United States in the state of Montana	8
10	14	Senate	An Act to amend Section 4655 of the Revised Codes of 1907 designating the officers before whom oaths or acknowledgments may be taken	9
11	2	Senate	An Act to amend Section 9720 of the Revised Codes relating to the appointment and tenure of office of the Warden of the State Prison	9
12	23	Senate	An Act to regulate the selling, offering or exposing for sale of agricultural seeds in this state and providing for the violation thereof	10
13	36	Senate	An Act to create the office of State Traveling Parole Commissioner, defining his duties and fixing his compensation therefor	13
14	13	House	An Act to provide for an additional Judge for the Fourth Judicial District of the State of Montana so that there will hereafter be three Judges in said district	14

HeinOnline -- 1913 V 1913

Chap.	No. Bill.	House or Senate.		Page.
15	65	House	An Act to amend Section 1500 Revised Codes of Montana, 1907, defining the term "Communicable Disease."	15
16	75	House	An Act to amend Section 8336 of the Revised Codes of 1907 defining the crime of rape and increasing the age of consent of females....	15
17	20	House	An Act to authorize and empower the State of Montana, the University of Montana, the State Normal School, the State Orphans Home, the State School of Mines, the State School for the Deaf and Blind, the State Reform School, the Soldiers' Home, the Montana State Tuberculosis Sanitarium, the State Asylum for the Insane, the State Penitentiary and any and all Institutions now created or established or which may hereafter be created or established, supported in whole or in part by the State of Montana, for any purpose, to receive and take property, real or personal, by donation, gift, grant, devise or bequest, for the use and benefit of the State of Montana or of such institutions; and to authorize and permit gifts, donations, grants, bequests, devises, and testamentary disposition of property to be made to the State of Montana, and to any of said institutions	16
18	16	Senate	An Act to require railroad companies to maintain suitable crossings at the intersection of public roads with any line of track of such railroad company	18
19	55	Senate	An Act to amend Section 35 of Chapter 113 of the Session Laws of 1911 of the State of Montana relating to the registration of electors and providing that electors otherwise qualified shall not be required to register in order to vote at school elections in school districts of the third class	19
20	56	Senate	An Act to authorize the attendant of the Supreme Court to exercise the functions and perform the duties of the Clerk of the Supreme Court whenever said clerk is incapacitated or absent	20
21	57	Senate	An Act to provide that persons convicted of certain offenses may be given the benefits of a suspended sentence and providing for the supervision and care of such persons.....	20
22	65	Senate	An Act to amend Section 149 of Chapter 111 Title 1, Part III of the Revised Codes of 1907, of the State of Montana, relating to the salary of the Governor of the State of Montana	23
23	66	Senate	An Act to amend Section 3180 of the Revised Codes of the State of Montana relating to trial jurors	23
24	70	Senate	An Act to permit insurance companies organized under the laws of the State of Montana to invest funds in irrigation district bonds in addition to other securities, in which such insurance companies are now authorized to invest funds of such companies	24
25	71	Senate	An Act to amend Section 2199 of the Revised Codes of the State of Montana of 1907, relating to the giving of notice to the State of Land Commissioners of certain bond sales and prescribing penalties for failure to comply with such provisions	24
26	62	Senate	An Act relating to the erection of platforms by railroads	25
27	80	House	An Act defining the duration of liens of mortgages upon real estate and the manner of the extension thereof	27

HeinOnline -- 1913 VI 1913

Chap.	No. Bill.	House or Senate.		Page.
28	31	Senate	An Act to amend Section 6121 of the Revised Codes of Montana (1907) relating to injunctions	27
29	90	House	An Act to establish a system of examination for master and journeymen plumbers; fixing the fees to be charged for licenses, and the disposition of the fund thus created; and providing penalties for the violation of the provisions of this Act	28
30	54	Senate	An Act to amend Sections 1639, 1640, 1642, 1643, 1644, 1647, 1648, 1649, 1650, 1651, 1652, 1655, 1656, 1657, 1659, 8444 of the Revised Codes of 1907 and to amend Section 1641 of the said Codes as the same was amended by Chapter 70 of the Session Laws of the Twelfth Legislative Session of the State of Montana and to repeal Sections 1658 and 8468 of said Codes, all relating to the inspection and operation of steam boilers within the State of Montana and including the examination and licensing of engineers therefor..	32
31	147	House	An Act to provide for the date of expiration of hunting and fishing licenses.....	43
32	30	Senate	An Act to amend Section 270 of the Revised Codes 1907 of the State of Montana, relating to the storage and safe keeping of the records of the Grand Army of the Republic...	43
33	43	Senate	An Act to amend Section 8784 of the Revised Codes of Montana 1907, as amended by Chapter 81 of the Session Laws of 1909 relating to the killing of elk, Rocky Mountain goat and Rocky Mountain Sheep, and fixing the open season therefor and providing for a closed season on elk in certain counties and parts of counties in Montana until October first 1918, and defining the sex and age of Rocky Mountain sheep that may be lawfully killed during the open season, and providing penalties for the violation thereof....	45
34	52	Senate	An Act to establish a Game Preserve in the Rocky Mountains for the protection of game animals and birds, and providing a penalty for killing, hunting and pursuing any such animals or birds in such preserve	46
35	128	House	An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors and regulating the issuance of licenses and providing for the revocation of licenses upon conviction of a penal offense; amending Section 3 of Chapter 92 of the laws of the Twelfth Legislative Assembly, relating to the issuance of licenses, and adding a Section to said Chapter 92 to be known as Section 3a, providing for a renewal of licenses..	48
36	20	Senate	An Act providing for a maximum rate of interest on loans of money, providing a penalty for violation thereof; and to amend Section 5212 Revised Codes of Montana of 1907..	51
37	142	Senate	An Act to amend Section 79 of the Revised Codes of Montana of 1907 as amended by Chapter 45, Laws of the Eleventh Session of the Legislative Assembly of the State of Montana, relating to the compensation of certain officers and employes of the Legislative Assembly	52
38	78	House	An Act to provide that aliens shall pay a gun license and providing a penalty for failure to obtain a license; to provide for and regulate the duties of the Game and Fish Warden and his deputies, and to provide for the disposition of the fines so collected.....	53

HeinOnline -- 1913 VII 1913

Chap.	No. Bill.	House or Senate.		Page.
39	86	House	An Act to amend Section 4062 of the Revised Codes of the State of Montana, 1907, as amended by Laws of Montana 1909, relating to the manner in which insurance companies, associations or partnerships may transact business in the state of Montana...	54
40	113	House	An Act providing for the appointment of a commission to participate in the celebration of the fiftieth anniversary of the battle of Gettysburg, and appropriating the sum of two thousand dollars to defray the expenses thereof	56
41	125	House	An Act to amend Section 7891 of the Revised Codes of Montana of 1907, relating to witnesses as amended by Chapter 66, Session Laws of 1909	57
42	150	House	An Act to amend Section 2820 and Section 2821 of the Revised Codes of Montana of 1907, altering the boundary lines of Flathead, Missoula and Sanders Counties	58
43	61	Senate	An Act providing a summary method for procuring the right to erect a grain warehouse or grain elevator on Railroad Rights of Way	60
44	78	Senate	An Act to improve conditions affecting the health of certain workmen engaged in operating street railway cars and trolley cars; and providing for the heating of street car or trolley car vestibules during certain seasons	64
45	89	Senate	An Act to amend Section 5815 of the Revised Codes of Montana 1907, relating to liens for services of stallions or jacks and providing a penalty for the violation of this Act	65
46	91	Senate	An Act to fix, define and determine the boundaries of Lincoln County, Montana.....	66
47	50	Senate	An Act relating to Grain Elevators, Grain Warehouses and Grain Inspection in the State of Montana and elsewhere; fixing fees to be collected as incidental to the main purpose of the bill as aforesaid and appropriating money to carry forward said main purpose to-wit: the creation of a Grain Inspection Department in the State	67
48	101	House	An Act to amend sub-section 7 of Section 6825 of the Revised Codes of Montana, of 1907, relating to the exemption of earnings for personal services of judgment debtors, who are heads of families	81
49	117	House	An Act providing for registration of names for farms and ranches within this state and providing for the payment of fees therefor..	82
50	124	House	An Act to establish a Board of Examiners for Nurses; providing that the Governor may issue a license or certificate of Registration to persons engaged in the profession of nursing the sick and fixing penalties for any violation of this Act	82
51	84	House	An Act to provide an Executive residence for the Governor of Montana; to provide for the furnishing and maintenance of the same and to appropriate money for all of said purposes	87
52	10	Senate	An Act making the Board of Railroad Commissioners of the State of Montana Ex-Officio a public service commission for the regulation and control of certain public utilities, prescribing the manner in which such public utilities shall be regulated and controlled, requiring such public utilities to furnish reasonable adequate service and fa-	

HeinOnline -- 1913 VIII 1913

			cilities. Pronibiting unjust and unreasonable charges for services rendered by such public utilities, providing penalties for violation of the provisions of this Act, authorizing such public service commission to appoint one expert engineer and to employ clerks and assistants and making appropriation for carrying out the provisions of this Act.....	88
53	115	Senate	An Act to permit common carriers to carry free or at reduced rates persons and property in certain cases	102
54	127	Senate	An Act to amend Sections 7671 and 7673 of the Revised Codes of the State of Montana relating to the distribution of estates of deceased persons	104
55	159	House	An Act creating the Department of Labor and Industry, providing for the appointment, duties and powers of the officers thereof and fixing their salaries	106
56	160	House	An Act to create the Department of Agriculture and Publicity; providing for the appointment and prescribing the duties and fixing the salaries of the officials thereof	108
57	62	House	An Act to create the State Board of Commissioners for the Insane; naming the members thereof and prescribing their powers and duties; providing for the appointment of a Superintendent of the State Insane Asylum and one Assistant Superintendent and fixing their term and salary and prescribing their qualifications and providing for their removal; repealing Sections 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, and 1120 of the Revised Codes of the State of Montana	110
58	120	Senate	An Act to create the Fourteenth Judicial District of the State of Montana to be composed of the Counties of Broadwater and Meagher, to change the boundaries of the Ninth Judicial District of the said state of Montana to conform thereto, to change the boundaries of the Tenth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties, term and compensation of Judge of said Fourteenth Judicial District	112
59	96	House	An Act to prohibit and punish lewd and lascivious acts upon or with the body of children under the age of sixteen years.....	113
60	175	House	An Act establishing and definitely defining the boundary lines of Gallatin County, Montana, and to amend Section 2801 of the Revised Codes of the State of Montana of the year 1907, relating thereto; and to make the boundaries of Madison County, of Broadwater County, of Meagher County and of Park County conform to the boundaries of Gallatin County as established by this Act	113
61	245	House	An Act to provide for the prevention of the introduction and spread of insect pests and diseases of horticultural and agricultural plants; and providing the penalties for violation of the provisions of this Act.....	117
62	264	House	An Act to amend Section 297 of the Revised Codes of Montana of 1907, relating to the compensation of the Marshall of the Supreme Court	118
63	271	House	An Act to provide for the inspection of steamboats and all other boats propelled by machinery, sailing craft, ferry boat and barges other than private pleasure crafts, on any of the navigable streams of the State of Montana, to provide for their inspection and for the appointment of an inspector of navigation, to define his duties, to provide	

HeinOnline -- 1913 IX 1913

Chap.	No. Bill.	House or Senate.		Page.
			for his compensation, and to provide sailing rules for all such boats, including pleasure crafts propelled by machinery, and for the general superintendence and control of navigation by the State Board of Railroad Commissioners; providing penalties for a violation of its provisions, repealing Chapter 105 of the Session Laws of the Twelfth Legislative Assembly, and all acts and parts of acts in conflict herewith	119
64	283	House	An Act to amend Section 2082 of the Revised Codes of Montana of 1907, relating to legal fences	127
65	308	House	An Act to require railroads to maintain more than one crossing where highways or streets intersect said railroads in unincorporated cities, villages, and towns of more than three hundred inhabitants, and to provide crossings over public highways in certain instances in the country districts; and to compel the Board of Railroad Commissioners of the State of Montana to see that provisions of this act are enforced and to punish railroads for any violation of this Act	128
66	310	House	An Act to amend Sections 110 and 111, relating to form of ballot to be prepared and voted when initiative and referendum measures are to be submitted to the voters.....	129
67	397	House	An Act to establish and locate the Northern Montana Agricultural and Manual Training School and an Agricultural Experimental Sub-station in connection therewith; appropriating money to pay the United States Government for the land upon which the same is to be situated, and to start and initiate said institution	131
68	119	House	An Act to compensate owners of tubercular cattle, glandered horses and horses afflicted with dourine when said livestock are killed according to law, and making appropriations therefor	134
69	349	House	An Act to amend Sections 1, 2, 3, and 4 of Chapter 116 of the Montana Session Laws of 1911 relating to the establishment of a State Board of Poultry Husbandry, providing the duties of such board and appropriating money therefor	135
70	373	House	An Act directing the State Treasurer to transfer from the general fund of the State of Montana the sum of $19,372.32 to the Agricultural College of Montana Income Fund...	137
71	117	Senate	An Act to license motor vehicles, providing for the collection of said licenses and fixing the penalty for the violation thereof	137
72	135	Senate	An Act to enact a General Highway Law, with an appropriation to carry out its provisions; providing for the classification and permanent improvement of the public highways and for the granting of county and state aid in certain cases and repealing Sections 1337, 1338, 1340, 1341, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454, and 1456, of the Revised Codes, and also repealing that certain Act approved March 2, 1909, entitled, "An Act to provide for the permanent improvement of the main highways by extension of county aid for such purposes, to provide the manner of petitioning for such improvement, for	

Chap.	No. Bill.	House or Senate.		Page.
			the levying of assessments upon lands benefited thereby for the payment of a part of the cost thereof," and repealing that certain Act approved March 8, 1909, entitled, "An Act placing the highways and bridges in counties of the first class under the supervision and control of the county surveyor, defining his power and duties, fixing his compensation and abolishing the office of road supervisor in counties of the first class	139
73	372	House	An Act providing for the registration, identification and regulation of motor vehicles operated, and driven upon the public roads and highways of this state	161
74	132	Senate	An Act to amend Chapter 113 of the Laws of 1911 relating to the registration of electors in counties, cities, towns and school districts	170
75	105	House	An Act to create and appoint a State Tax Commission, to define the powers and duties thereof, to provide for the appointment of County Boards of Appraisers, to define the powers and duties thereof; to provide for the appraisement of all property in the State by said State Tax Commission and County Boards of Appraisers, to provide for the enforcement of its provisions, and to punish violations thereof, and to appropriate funds to carry this act into effect	192
76	129	House	An Act to provide for the establishment and maintenance of a general uniform and thorough system of public free schools, and to repeal all acts and parts of acts in conflict herewith	197
77	74	House	An Act creating the office of a State Dairy Commissioner of the State of Montana, fixing the salary and making an appropriation for the carrying out of the provisions of this Act, and defining the duties thereof; providing for deputies; prescribing the duties of said Dairy Commissioner and his deputies; defining dairy products and imitation of dairy products; regulating the production, sale and shipment of cream, milk, butter, ice cream, condensed milk, and cheese; providing for the inspection of creameries, cheese, condensed milk and ice cream factories, dairies and utensils; providing penalties for the violation of this Act and repealing all acts in conflict herewith	307
78	157	Senate	An Act to establish a Montana State Highway Commission, defining its duties and powers and providing for its compensation, providing for a State Highway Commission Fund and appropriating money therefor	318
79	280	House	An Act to provide for the protection of Fish and Game in the State of Montana; defining the term "GAME FISH"; Amending Section 8792 of the Revised Codes of Montana of 1907, as amended by Chapter 81 of the Session Laws of 1909, relating to the manner of catching fish and permitting the use of a seine in certain lakes and rivers, and the granting of licenses for such purpose; amending Section 8793 of the Revised Codes of Montana of 1907, relating to licenses for seining in streams, regulating the stocking and sale of fish from artificial ponds and lakes; limiting the number and weight of Fish that may be caught in one day; prohibiting the deposit of certain substances in streams and lakes; providing for the construction of fishways and ladders at dams; making it unlawful to sell or knowingly receive illegally caught fish; providing for the classification and issuance of fishing and	

HeinOnline -- 1913 XI 1913

Chap.	No. Bill.	House or Senate.		Page.
			hunting licenses, and making it unlawful to fish or hunt unless obtaining a license therefor; providing for licenses to those engaged in scientific investigations; granting power to State Fish and Game Warden to make search and seizure to secure evidence of violation of fish and game laws; and providing for disposition of all birds, fish, animals, hides, etc., seized; creating the Montana State Fish Commission and granting powers to said commission for the propagation and protection of fish and game; creating a fund to be known as the State Game and Fish Fund; Giving State Game Warden authority to establish stations along the banks of lakes and streams to obtain eggs of all Game Fish; and prohibiting fishing about such stations; providing for the carriage, storage and handling of fish and game, and the transportation of necessary attendants by railroads and other common carriers free, or at reduced rates in certain instances; amending Section 8782 of the Revised Codes of Montana of 1907 relating to the time when and the number and sex of deer that may be killed; and providing penalties for the violation of the provisions of this Act; and repealing all acts and parts of acts in conflict with the provisions of this act	326
80	79	Senate	An Act to promote the safety of passengers and employees on street railway cars and trolly cars, and to provide for the use of certain safety appliances on all street railway cars used in regular service of conveying passengers in this state, and prescribing penalties for failure to comply with the provisions of this act	343
81	169	Senate	An Act providing that no license shall be required for moving picture shows in places having a population not exceeding one thousand five hundred	344
82	60	House	An Act to regulate the practice of Veterinary medicine and surgery in the State of Montana; and to establish a Board of Examiners in Veterinary Medicine and Surgery and to define offenses committed contrary to the provisions of this Act; and providing penalties for the violation thereof	344
83	180	House	An Act to provide for the regulation of sale of articles by weight and Measure or numerical count within the State of Montana; creating the office of State Sealer of Weights and Measures, providing the duties and powers of such State Sealer of Weights and Measures; providing penalties for the violation of the provisions of this Act, and repealing the provisions of Chapter 34 of the Laws of the Twelfth Legislative Assembly...	351
84	163	Senate	An Act to prescribe further duties and powers for the State Examiner; to cause the books and accounts of all incorporated cities and towns and the books and accounts of school districts of the first and second class to be examined at least once each year; to provide for the payment of fees for the examination thereof and also to allow the State Examiner to appoint another deputy and to provide an appropriation therefor	365
85	325	House	An Act creating the office of Investment Commissioner, and giving such official certain powers in relation to Investment Companies and stock brokers for the protection of investors, including the power to license the sale by such companies, and regulating or providing for the regulation of the promo-	

HeinOnline -- 1913 XII 1913

Chap.	No. Bill.	House or Senate.		Page.
			tion, organization and operation thereof; providing for the inspection and investigation of property, books, papers, business, methods and affairs of any investment company whose securities shall be offered for sale to the public; defining stock-brokers and providing for the regulation of their business as such; and providing penalties for the violation of this Act	367
86	234	House	An Act providing for the execution, renewal, and foreclosure of Chattel Mortgages; defining the rights of subsequent mortgages; providing penalty for the violation of the provisions of this Act; prescribing the procedure and practice in attaching mortgaged property; providing that chattel mortgages now in force shall not be affected by the provisions of this Act; and repealing Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772, 5773 of the Revised Codes of the State of Montana of 1907	378
87	217	House	An Act relating to religious corporations and providing for the incorporation, power and management of diocesan corporation and of parish or local corporations	383
88	29	Senate	An Act to provide for the deposit and control of all public moneys in the possession of and under the control of County, City and Town Treasurers, providing for the payment of interest on all such moneys and to amend Section 3003 and Section 3257 of the Revised Codes of Montana of 1907	389
89	59	Senate	An Act relating to Special Improvements in cities and towns and repealing Sections 3367, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428 and 3429 of the Revised Codes of Montana of 1907, and Chapter 127 of the Acts of the Eleventh Legislative Assembly of the State of Montana, being an Act entitled: "An Act to empower city and town councils to pay in installments for any improvements which are to be paid for by special assessment against any property, and for such installments to issue annual interest bearing warrants and to levy and collect assessments to pay for the same, and to extend the payment of the installments over any period no exceeding eight (8) years' approved March 8th, 1909; and Chapter 62 of the Acts of the Twelfth Legislative Assembly of the State of Montana, being an Act entitled: "An Act to amend Section 3398 of the Revised Codes of the State of Montana, of 1907, and providing that interest coupons for the payment of interest of any special improvement district warrant of any city or town within the State of Montana may bear an engraved or lithographed facsimile signature of the Mayor and City or Town Clerk of such city or town, approved March 2, 1911	393
90	101	Senate	An Act to Amend Section 1840 of the Revised Codes of 1907, Relating to the quarantine of Domestic Animals and Texas cattle; and providing that before declaring a quarantine the veterinary shall exhibit to the owner or person in charge a specimen of the parasite, under microscope, or otherwise, for his inspection	417

HeinOnline -- 1913 XIII 1913

Chap.	No. Bill.	House or Senate.		Page.
91	102	Senate	An Act to amend Section 1906 of the Revised Codes of 1907 relating to Bounty Inspectors; Abolishing the office of Bounty Inspector and Providing in lieu thereof, that the Sheriff and his deputies shall act as County Inspectors at the County Seat	419
92	105	Senate	An Act to provide that the State University at Missoula the College of Agriculture and Mechanic Arts at Bozeman, the School of Mines at Butte, and the State Normal School at Dillon, and such departments of said institutions as may hereafter be organized, shall constitute the University of Montana; providing for the control, and supervision thereof by the State Board of Education; authorizing said State Board, to employ a Chancellor of the University of Montana; requiring that degrees and diplomas to graduates of the several component institutions shall run from the University of Montana, and that the State Board of Education, in the exercise of its discretion, shall take such steps and make such rules as may be necessary to prevent unnecessary duplications of courses of instruction in the various educacational institutions composing said University; to investigate and to make recommendations to the Legislative Assembly with reference to the needs of said institutions; prescribing a seal for the University of Montana and its custody, and the affixing of the same to certain documents, degrees, papers and instruments; defining the jurisdiction and authority of the Presidents of the several institutions composing the University of Montana, and repealing all acts and parts of acts in conflict with this act	422
93	122	Senate	An Act to amend Section 1290 and 1291 Chapter 6 of the Political Code Revised Codes of 1907, designating who shall be eligible for admission into the State Home for Soldiers, Sailors, and Marines	425
94	133	Senate	An Act to amend Section 8447 (636) of the Penal Code, Relating to Trademarks	426
95	162	Senate	An Act to amend Sections 5 and 16 of Chapter 148, Laws of the Twelfth Legislative Assembly of the State of Montana, entitled, "An Act to Create and Establish the office of State Fire Marshal, to provide for his appointment, fixing his salary and defining his duties, and defining the duties and powers of certain other officials in relation thereto," providing for the appointment of Deputy State Fire Marshals, and enlarging the powers of the State Fire Marshal	427
96	168	Senate	An Act authorizing the State Game and Fish Warden to appoint six additional deputies, providing for their compensation, and providing the manner in which the same shall be paid	429
97	154	House	An Act establishing a State Athletic Commission and regulating boxing and sparring in the State of Montana	429
98	116	House	An Act providing for the redemption of real estate sold for taxes and the amount necessary to be paid to effect such redemption	434
99	231	House	An Act requiring all persons selling nursery stock, fruit trees, plants, vines, scions or cuttings within the State of Montana, as the agent of any nursery not holding a Montana license to obtain a license therefor	435
100	240	House	An Act authorizing and Regulating the Sale of Game and Game Birds, and providing a penalty for the violation of this act	436

HeinOnline -- 1913 XIV 1913

Chap.	No. Bill.	House or Senate.		Page.
101	270	House	An Act to amend Section 3318 of the Revised Codes of the State of Montana of 1907, relating to the appointment of Park Commissioners in Cities of the First and Second Class, and repealing all Acts and Parts of Acts in conflict herewith	437
102	282	House	An act to provide for the appointment of a special deputy humane officer, defining his powers and duties and fixing his salary	439
103	295	House	An act to legalize sales of real property belonging to Counties by Boards of County Commissioners	440
104	306	House	An act to amend Section 1728 of the Revised Codes of the State of Montana of 1907, with reference to the regulation for the protection of street car employees	441
105	326	House	An Act to regulate common carriers and to provide for certain rules and regulations looking to the safety and convenience of the traveling public and shippers upon Railroad or Railway trains: to compel the installation of suitable platforms and station houses, and to order the construction of connecting tracks where the line of one railroad or railway crosses, intersects or parallels (overhead, at grade, or otherwise), the line or lines of another railroad or railway; to acquire the construction of industrial or commercial spurs to industries; to provide for the appointment of joint freight rates; to compel the construction or extension of public loading or unloading tracks, and the Board of Railroad Commissioners of the State of Montana, certain powers in relation to all the foregoing. Giving the district Court the power to enforce the rulings of the Commission; giving both parties the right of trial by jury and appeals, and providing a penalty for the violation of this act	441
106	413	House	An Act to provide for the support of the Government of the State of Montana for the years 1913 and 1914	446
107	136	House	An Act to amend Section 6837 and 6839 of the Revised Codes of Montana of 1907 relating to the redemption of real estate sold on execution	447
108	31	House	An Act regulating and limiting the hours of employent for female employees, and governing the conditions under which female employees shall work, in certain industries and providing penalties for violation thereof	450
109	53	House	An Act authorizing the Board of County Commissioners in each County to appropriate money out of the General Fund of the County Treasury for the purpose of paying part salary and expenses of a County Agricultural Instructor	451
110	123	House	An Act to amend Section 38 of Chapter 146 of the Laws of Montana of 1909 relating to limitations on debt incurring power and extending the powers of Commissioners of Irrigation Districts	452
111	177	House	An Act to amend Section 3240 of the Revised Codes of Montana of 1907 relating to salaries of Mayors and Aldermen	453
112	205	House	An Act to amend Sections 2957, 3116 of the Revised Codes of Montana of 1907, entitled, An Act enumerating county officers and fixing the compensation of such officers according to classification of counties	453

HeinOnline -- 1913 XV 1913

Chap.	No. Bill.	House or Senate.		Page.
113	230	House	An Act to create and establish a standard size of apple box for the State of Montana; providing for the proper labeling and numbering of all apple boxes; and providing a penalty for the violation of this act.....	457
114	273	House	An Act to compel every person, persons, corporation or association conducting a hospital that is, or hospitals that are, exempt from taxation to admit and care for patients of any regularly licensed physicians in the State of Montana upon the same terms and conditions as patients of any other regularly licensed physician, and prescribing the penalty for the violation thereof.....	459
115	278	House	An Act imposing further duties upon the Board of Railroad Commissioners in respect to the inspection of railroads and their equipment and operation, with a view to safeguarding the lives of persons engaged in the operation of trains	460
116	296	House	An Act to amend Section 2761 of the Revised Codes of Montana of 1907, relating to the issuance of retail liquor dealers licenses.....	461
117	309	House	An Act for the submission to the qualified electors of the State of Montana of fixing the rate of Taxation for a period of ten (10) years on real and personal property to raise revenue for the support of the State Educational Institutions	461
118	382	House	An Act to amend Section 2246 of the Revised Codes of Montana of 1907, relating to the salary of the State Engineer and providing for reimbursement of the general fund out of the Carey Fund for his salary for the time spent on Carey Land Work	463
119	22	Senate	An Act to establish a State Grain Laboratory at the Montana Agricultural Experiment Station; and to define the aim and scope of the work to be proposed; and providing for the administration and to make appropriations for the establishment and maintenance thereof	463
120	58	Senate	An Act to create the State Board of Entomology. To define its powers and duties and appropriate money therefor	466
121	72	Senate	An Act to amend Sections 786, 2196 and 2197 of the Revised Codes of the State of Montana of 1907, as amended by Chapter 76 of the Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the investment of the funds of the State Normal School, permanent University fund, permanent Agricultural College funds and permanent School funds	467
122	100	Senate	An Act to amend Section 7641 of the Revised Codes of Montana of 1907, relating to accounts of executors or administrators or their personal representatives in case of death.....	470
123	107	Senate	An Act to amend Sections 1872 of the Revised Codes of Montana of 1907, relating to dipping sheep temporarily in this State.....	470
124	139	Senate	An Act to authorize any board of County Commissioners to levy a tax of one mill or less on each dollar of taxable property for the purpose of establishing and maintaining a county fair	473
125	141	Senate	An Act regulating traction engines or machinery propelled or operated by gas, oil or any product of oil; prescribing the method of estimating the power or capacity thereof; requiring the same to be marked or labeled; for bidding false representations as to the	

HeinOnline -- 1913 XVI 1913

Chap.	No. Bill.	House or Senate.		Page.
			capacity or power; requiring inspection by Boiler inspector when requested; fixing the fees thereof; and prescribing penalties.....	473
126	151	Senate	An Act defining the word "sale" as used in the Statutes of the State of Montana, with relation to the sale of Game and Fish, the sale of which is prohibited by law.....	475
127	156	Senate	An Act to amend Chapter 146 of the Laws of the Eleventh Legislative Assembly of the State of Montana, passed and approved March 18th, 1909, entitled 'An Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition—either by construction, purchase or otherwise for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expenses of such districts; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to repeal with certain reservations, the provisions of Sections 2309 to 2402 both inclusive of Title X, Part III of the Revised Codes of Montana of 1907,' by amending Section 38 thereof, relating to 'Limitations on Debt Incurring Power' and by inserting in said Chapter 146, sections to be numbered 56A, 56B, 56C, 56D, 56E, and 56F, relating to and providing for the issuance of certificates for delinquent taxes and assessments, when the lands sold are struck off to any County of this State, and for the redemption of such certificates.....	475
128	159	Senate	An Act to amend Section 32 of Chapter 57 of the Twelfth Legislative Assembly of the State of Montana, being an act providing for a commission form of Government for Cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation	480
129	160	Senate	An Act to legalize proceedings of the Board of County Commissioners of any County and elections held and bonds hereafter issued pursuant thereto for the construction of highways and bridges	481
130	178	Senate	An Act authorizing the appointment of a Chief Clerk to the State Auditor and Commissioners of Insurance ex-officio, and providing the salary therefor	481
131	3	House	An Act to Create and Establish a Forestry School at Missoula, to be conducted and operated as a department of the University of Montana; to provide a name and to make an appropriation therefor	482
132	169	House	An Act to amend Section 7359 of the Revised Codes of Montana of 1907 relating to proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time within which such proceedings may be instituted.....	483
133	332	House	An Act to amend Sections 1, 2, 3, and 4 of Chapter 112, of the Session Laws of the Twelfth Legislative Assembly of 1911, entitled; "An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the adjustment and fulfillment of the rights and obligations arising between such counties and other counties, and providing penalties for the violation thereof	484

HeinOnline -- 1913 XVII 1913

Chap.	No. Bill.	House or Senate.		Page.
134	206	House	An Act to provide for a Deputy State Coal Mine Inspector to be under the supervision of the State Coal Mine Inspector, and defining his duties, qualifications and salary.....	502
135	247	House.	An Act to amend Section 7 of Chapter 112 of the Session Laws of 1911, relating to the adjustment of liabilities and assets between old and new counties	503

Appropriation Bills.

	H. B. 420	"An Act appropriating money for the maintenance of the executive and Judicial Departments of the State Government for two years, commencing March 1st, 1913 and ending February 28, 1915."	506
	H. B. 421	"An act appropriating money for the maintenance of the several State Institutions of Montana for two years commencing March 1st, 1913, and ending February 28th, 1915."...	516
	H. B. 4	"An Act to appropriate money for the payment of mileage and per diem of the Members of the Thirteenth Legislative Assembly of the State of Montana	519
	H. B. .5	"An Act making an appropriation of money for the incidental expenses of the Thirteenth Legislative Assembly of the State of Montana"	519
	H. B. 6	"An Act to appropriate money for the payment of the per diem of the officers and attaches of the Thirteenth Legislative Assembly of the State of Montana."	519
	H. B. 54	"An Act appropriating money for the payment of the mileage and per diem of certain persons on account of services as Presidential Electors for the year 1913	520
	H. B. 55	"An Act to appropriate the sum of One Thousand Dollars ($1000.00) or so much thereof as may be necessary to pay the expenses of the Joint Committee of the Senate and House of Representatives, appointed to investigate railroad freight rates upon wheat, fruit and other farm products shipped from Montana points to Eastern markets.".....	520
	H. B. 183	"An Act appropriating money for the payment of certain deficiency claims for transporting prisoners."	521
	H. B. 184	"An Act appropriating money for the payment of a certain deficiency claim incurred for expense in office of State Game Warden"	523
	H. B. 185	"An Act to appropriate money to pay the deficiency claims for Maintenance of the Orphans Home."	523
	H. B. 186	"An Act appropriating money for the payment of certain deficiency claims for Public Printing."	524
	H. B. 187	"An Act appropriating money for the payment of deficiency claims for the maintenance appropriation for the School of the Deaf and Blind."	524
	H. B. 188	"An Act providing for the payment of deficiency claims for the maintenance of the State Capitol Building."	525
	H. B. 189	"An Act appropriating money for the completion of the power and heating plant at the School for the Deaf and Blind."	525
	H. B. 190	"An Act appropriating money for the payment of certain deficiency claims on account of requisitions."	525

HeinOnline -- 1913 XVIII 1913

Chap. No.	House or Senate Bill.		Page.
	H. B. 191	"An Act authorizing the payment of certain Bounty Claims and appropriating money from the State Bounty Fund for the payment thereof."	526
	H. B. 193	"An Act appropriating money for the payment of certain deficiency claims for expenses of Judges presiding at trials outside their own Districts, and also for the payment of certain deficiency claims for expenses incurred by District Judges on account of holding court in counties other than the counties where they reside as provided by Chapter 91, Session Laws enacted by the 12th Legislative Assembly."	533
	H. B. 204	"An Act appropriating money for the maintenance of Live Stock Sanitary Board to March 1st, 1913."	534
	H. B. 210	"An Act appropriating money from the Bounty Fund for the payment of certain Bounty Claims, proof of which was lost."	535
	H. B. 211	"An act providing for the payment of deficiency claims for the maintenance of the State Prison."	535
	H. B. 212	"An Act appropriating money for the payment of salaries of County Attorneys to March 1, 1913	536
	H. B. 213	"An Act appropriating money for the restoration and maintenance of Old Fort Benton."	536
	H. B. 214	"An Act appropriating money for payment of deficiency claims of certain persons for per diem and expenses of the members of the State Board of Examiners for Coal Mine Inspectors."	537
	H. B. 215	"An Act to appropriate money for the payment of deficiency claims for improvements at the State Prison."	537
	H. B. 216	"An Act appropriatnig money from the Fish and Game Fund refunding money paid in error into the treasury."	538
	H. B. 218	"An Act appropriating money for the payment of certain deficiency claims incurred by the State Board of Health."	539
	H. B. 224	"An Act appropriating money for the payment of claims hereafter arising under the provisions of Chapter 129 of the laws of the Twelfth Legislative Assembly of the State of Montana."	539
	H. B. 225	"An Act appropriating money for the payment of amount due from the State, under and by virtue of Chapter 129, Laws of the Twelfth Legislative Assembly of the State of Montana."	540
	H. B. 254	"An Act appropriating the sum of forty-eight dollars thirty ($48.30) Cents in payment of a deficiency claim for transportation of State Militia."	540
	H. B. 255	"An Act appropriating fifty dollars to the Thomas Cruse Savings Bank for refund on account of over payment to the State Examiners Fund in the year 1910."	541
	H. B. 256	"An Act appropriating Two Thousand Twenty-four Dollars ($2024.15) fifteen cents for the payment of deficiency claim of Montana, Wyoming & Southern Railway Co."	541
	H. B. 257	"An Act appropriating twelve ($12.00) dollars for the payment of deficiency claims of Herman Hanson."	542

HeinOnline -- 1913 XIX 1913

Chap. No.	House or Senate. Bill.		Page.
	H. B. 258	"An Act appropriating money for the deficiency claims of certain persons for service rendered and supplies furnished which claims were approved by State Board of Examiners."	542
	H. B. 259	"An Act appropriating Twenty Dollars ($20.00) for the relief of J. Eeraerts for a cow killed in error by State Veterinarian."	543
	H. B. 286	"An Act to appropriate money for the payment of the claim of J. C. Lowney for services rendered as a member of the commission to draft the Workingmen's Compensation Act."	543
	H. B. 287	"An Act appropriating money to pay Robert F. Rose, the official Stenographer of the House of Representatives of the Thirteenth Legislative Assembly of the State of Montana, for reporting the proceedings of the House of Representatives, during the said session."	544
	H. B. 290	"An Act to appropriate money from the Bounty Fund for the payment of certain bounty claims."	544
	H. B. 317	"An Act to appropriate money for the construction and furnishing of a hospital and other buildings and improvements and repair of old buildings and improvements at the State Orphans' Home at Twin Bridges, Montana."	545
	H. B. 320	"An Act to appropriate money to pay bounty claim of K. W. Hale."	545
	H. B. 323	"An Act appropriating money for the salary and expenses of the State Traveling Parole Commissioner."	546
	H. B. 350	"An Act appropriating money from the Fish and Game Fund for the payment of the salary of the Clerk of the Montana State Fish Commission as provided in Chapter 106 Laws of the Twelfth Legislative Session."	546
	H. B. 360	"An Act appropriating money to purchase additional land for the State Orphans' Home Home at Twin Bridges, Montana."	547
	H. B. 377	"An Act to pay certain employees of the Senate and the House as provided in Sections 76 and 81 of the Revised Codes of Montana of 1907."	547
	H. B. 403	"An Act appropriating money from the License Bounty Fund for the payment of the claim of George H. Scott."	548
	H. B. 410	"An Act appropriating money for the payment of the deficiency claim of J. K. O'Rourke, for expenses incurred in transporting prisoners and send requisitions."	548
	H. B. 416	"An Act appropriate money for the payment of the employees and attaches of the Thirteenth Legislative Assembly of the State of Montana."	549
	H. B. 419	"An Act appropriating money for the payment of the deficiency claim of Link and Haire for architects fees in connection with the construction of the gymnasium building at the State School of Mines."	549
	H. B. 423	"An Act appropriating money to pay the Reading Clerk of the House of Representatives of the Thirteenth Legislative Assembly of the State of Montana, for services rendered the House of Representatives during the said Session	549

HeinOnline -- 1913 XX 1913

Chap. No.	House or Bill. Senate.		Page.
	H. B. 428	"An Act to appropriate money for the payment of the salary of the State Tax Commissioner and the salary of the Secretary of the State Tax Commissioner."	550
	S. B. 41	"An Act to appropriate money for the maintenance, improvement and operation of the Fish Hatcheries of the State of Montana, and for the purchase of a fish car for the use of said hatcheries."	551
	S. B. 126	"An Act to appropriate money for the construction of a building to be used for Horticultural exhibits at the State Fair and to provide for a permanent plan for the development of said Fair."	552
	S. B. 129	"An Act authorizing the payment of the Bounty claim of S. C. Leedy, and appropriating money from the State Bounty Fund for the payment thereof."	553
	S. B. 167	"An Act to appropriate money for the payment of the claim of Chas. Munckton for the care and keep of Lee Rhine a ward of the State."	553
	S. B. 174	"An Act to appropriate money to pay the per diem and mileage of witnesses called by the Joint Committee appointed to investigate the complaints of settlers on Public Lands, and to pay the expense incurred by the Joint Committee appointed to investigate charges made against the management of the State Reform School."	554
	S. B. 175	"An Act to appropriate money to cover deficiency in an appropriation made by House Bill No. 401, an Act approved March 13, 1911, Session Laws of 1911, for the purchase of land for State Fair."	555
		Resolutions and Memorials.	
	S. J. R. 1	A Resolution providing for the investigation of Railroad Freight Rates on Wheat, Fruit and Farm product shipments to Eastern markets	555
	S. J. R. 3	A Joint Resolution extending the thanks of the Legislative Assembly of the State of Montana, to Charles M. Russell, E. S. Paxson and Ralph De Camp	557
	S. J. M. 3	Petition to Congress to enact such legislation as will be necessary for the construction of a system of paved public highways connecting the Capitol of the several States of the Union with the National Capitol and with each other, and also with the principal National Parks	557
	S. J. M. 4	Petition to Congress to enact such legislation as will be necessary for the establishment and the maintenance of an Agricultural Building for the display of Agricultural products	559
	S. J. M. 6	"A Memorial praying the Congress of the United States to increase the area of land to be devoted to the establishment at Fort Assinniboine of an agricultural, manual training or other educational or public institution by the State of Montana, from one section to two thousand acres."	560
	S. J. M. 8	A Memorial to the Congress of the United States, praying that the abandoned military post of Fort William Henry Harrison be ceded to the State of Montana	560
	H. J. R. 1	"Relating to Carey Lands in Montana."	561

HeinOnline -- 1913 XXI 1913

Chap. No.	House or Bill. Senate.		Page.
	H. J. R. 2	A Joint Resolution ratifying an amendment to the Constitution providing that Senators shall be elected by the people of the several States	562
	H. J. R. 3	Resolution providing for an assistant in the Law Library during the sitting of the Legislative Assembly	563
	H. J. R. 5	"Relative to suspended entries on Flathead Reservation."	564
	H. J. M. 1	"Petitioning Congress for the enactment of such legislation as will relieve the settlers under the Lower Yellowstone Project."	564
	Sub. H. C. R. 1	"Asking for appointment of a Committee for the purpose of inspecting the sanitary and general condition of the State Reform School	566
	H. C. R. 2	"Concurrent Resolution relating to the compensation of certain employees of the Legislative Assembly."	567

LAWS INITIATED AND PASSED BY THE PEOPLE.

	Page.
A law to provide for Party Nominations by Direct Vote	570
Presidential Preference Law	590
Corrupt Practice Act	593
A Law in reference to the selection of United States Senators	617

HeinOnline -- 1913 XXII 1913

SESSION LAWS.

CHAPTER 1.

A Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2 of Article IX of the Constitution of the State of Montana relating to rights of suffrage and qualifications to hold office."

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Section 2, Article 9. State Constitution be submitted.

Section 1. That Section 2 of Article IX of the Constitution of the State of Montana be amended and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2, Article 9; amended.

Section 2. That Section 2 of Article IX of the Constitution of the State of Montana, be, and the same is hereby amended to read as follows:

Qualification of electors under amended section.

Section 2. Every person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people and upon all questions which may be submitted to the vote of the people: First, he shall be a citizen of the United States; Second, he shall have resided in this State one year immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law; provided, first, that no person convicted of felony shall have the right to vote unless he has been pardoned; Provided, second, that nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this Constitution: Provided, that after the expiration of five years from the time of the adoption of this Constitution, no person except citizens of the United States shall have the right to vote.

Felons not to vote.

Not to abridge rights of present electors.

After five years citizens only can vote.

Ballots on this amendment to be separate.

Section 3. Separate official ballots shall be used at the general election to be held in November, 1914, which shall have printed thereon the words: "For the

amendment to the Constitution relating to rights of suffrage and qualifications to hold office" and the words: "Against the amendment to the Constitution relating to rights of suffrage and qualifications to hold office," and the elector shall designate his preference for either of the propositions by making an X before the proposition desired.

Form of ballots.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall take effect and be in full force after its passage and approval.

Approved January 25, 1913.

CHAPTER 2.

"An Act to amend Section 4659 of the Revised Codes of Montana of 1907, relating to acknowledgments."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 4659 Revised Codes.

Section 1. That Section 4659 of the Revised Codes of Montana of 1907 be, and the same is, amended, so as to read as follows:

"Section 4659. The acknowledgment of an instrument must not be taken unless the officer taking it knows, or has satisfactory evidence, on the oath or affirmation of a credible witness, that the person making such acknowledgment is the individual who is described in, and who executed the instrument; or, if executed by a corporation, that the person making such acknowledgment is the president or vice-president, or secretary or assistant-secretary of such corporation."

Acknowledgments. Officers taking must know person.

Acknowledgements by corporate officers.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1913.

CHAPTER 3.

"An Act to amend Section 4664 of the Revised Codes of Montana of 1907, relating to form of acknowledgments by Corporations."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4664 of the Revised Codes of Montana of 1907, be, and the same is, hereby amend-

HeinOnline -- 1913 2 1913

ed, so as to read as follows:

"Section 4664. The certificate of acknowledgment of an instrument executed by a corporation must be substantially in the following form:

Acknowledgements by corporations. Form of of certificate.

State of.....
County of..... } ss.

On this ..... day of ..... in the year ....., before me, (here insert name and quality of the officer), personally appeared ...., known to me (or proved to me on the oath of .....) to be the president (or vice-president) or secretary (or assistant secretary) of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same."

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1913.

CHAPTER 4.

"An Act to amend Section 4681 of the Revised Codes of Montana, of 1907, relating to the validity of instruments affecting real property now recorded."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4681 of the Revised Codes of Montana of 1907, be, and the same is hereby, amended, so as to read as follows:

"Section 4681. Any instrument affecting real property, which was, previous to the date this Act takes effect, copied into the proper book, kept in the office of the County Clerk and Recorder, shall be deemed to impart, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; and all such instruments heretofore acknowledged by the vice-president and assistant secretary of any corporation, or by either of them, and recorded, shall be valid, and have the same force and effect, as though acknowledged by the president or secretary; but nothing herein shall be deemed to affect the rights of purchasers or encum-

Curing defective instruments of record.

Notice to subsequent purchasers or incumbrancers.

Not to affect vested rights.

HeinOnline -- 1913 3 1913

brancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence, with like effect as copies of an instrument duly acknowledged and recorded."

Repealing clause.

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1913.

CHAPTER 5.

"An Act amending Section 2883 of the Revised Codes of Montana, 1907, relating to vacancies in County Offices, how filled, and the length of time an Appointee shall hold office."

Be it enacted by the Legislative Assembly of the State of Montana:

Vacancy in office of County Commissioners.

Section 1. That Section 2883 of the Revised Codes of 1907 be, and the same is, hereby amended, so as to read as follows:

How filled.

"Section 2883. Whenever a vacancy occurs in the Board of County Commissioners from a failure to elect or otherwise, the District Judge or Judges in whose District the vacancy occurs must fill the vacancy by appointing some qualified elector of the county in which the vacancy occurs, and such appointee shall hold office until the first Monday in January next after a general election, and until his successor is elected and qualified.

Term of appointee.

Term of other appointed county officers.

"And any county office that is filled by appointment, the appointee shall hold office until the first Monday in January next after a general election, and until his successor is elected and qualified."

Repealing clause.

Section 2. All Acts and parts of Acts or laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1913.

HeinOnline -- 1913 4 1913

CHAPTER 6.

"An Act to encourage the Breeding and Dissemination of Better Farm Animals in the State of Montana, and Providing Penalties for Violating any of its Provisions."

Be it enacted by the Legislative Assembly of the State of Montana:

County assessor to collect names of owners and breeders of pure breeds.

Section 1. The County Assessor in each County during the odd numbered years shall in the regular routine of his duties, collect the names and addresses of all owners or breeders of pure bred horses, cattle, sheep, swine and poultry in the county, and in each case secure the name of the breed.

To compile and deliver information to the Agricultural Experiment Station.

Section 2. On or before the first day of November, the assessor shall compile the information secured, and deliver same to the Director of the Montana Agricultural Experiment Station, located at Bozeman.

Definition of "pure bred animals."

Section 3. Pure bred animals are those recorded in the official books of the various breed associations. A list of these books shall be furnished to the Assessor of each County by the Director of the Montana Agricultural Experiment Station, and the Assessor shall accept as pure breds, only such breeds as are given in this list as shown by certificates of registration in the possession of the owner.

List of breed books to be furnished assessors.

List of owners of pure breeds to be published.

Section 4. On or before the first day of January of the even numbered years, the Director of the Experiment Station shall prepare for publication and cause to be printed, a bulletin giving the names and addresses of all owners and breeders of pure bred live stock in the State of Montana, as reported the previous year by the County Assessors. This bulletin shall be for free distribution in the State of Montana, and on request, to breeders and farmers outside the State.

Bulletins to be free.

Forbidding the sale of animals under false registration certificate.

Registration certificates shall not be altered. Fraudulent changing of markings.

Section 5. No person or persons, company or corporation shall sell to another person or persons, any animal with a certificate of registration or breeding that does not belong to said animal, nor change in any way the certificate of registration of breeding of any animal; nor shall any person change the markings of any animal with the intent to deceive the purchaser.

Penalty.

Section 6. Any person or persons, company or corporation violating section five of this Act shall be punished by a fine of not less than twenty-five ($25.00) dollars, or more than five hundred ($500.00) Dollars, or

HeinOnline -- 1913 5 1913

by imprisonment of not less than ten (10) days or more than six (6) months, or by both fine and imprisonment.

Repealing clause.

Section 7. All Acts and parts of Act in conflict with this Act are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 6, 1913.

CHAPTER 7.

A Bill for an Act entitled: "An Act to prohibit unfair competition and discrimination, and providing a penalty for the infraction of the provisions thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Unfair competition or discrimination in sale of commodities defined.

Section 1. Any person, firm or corporation, foreign or domestic, doing business in the State of Montana, and engaged in the production, manufacture or distribution of any commodity in general use, that intentionally, for the purpose of destroying the competition of any regularly established dealer in such commodity, or to prevent the competition of any person, firm or corporation who in good faith intends and attempts to become such dealer, shall discriminate between different sections, communities or parts of this State, by selling such commodity at a lower rate or price in one section, city or community, or any portion thereof, than such person, firm or corporation, foreign or domestic, charges for such commodity in another section, community or city, after equalizing the distance from the point of production, manufacture or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Duty of Attorney General upon complaint made to him.

Section 2. If complaint shall be made to the Attorney General that any corporation is guilty of unfair discrimination as defined by this Act, he shall forthwith investigate such complaint, and for that purpose he shall subpoena witnesses, administer oaths, take testimony and require the production of books or other documents, and if, in his opinion, sufficient grounds exist therefor, he shall prosecute an action in the name of the State in the proper Court to annul the charter or revoke the permit of such corporation, as the case may be, and to permanently enjoin such corporation

Prosecution of action.

HeinOnline -- 1913 6 1913

from doing business in this State, and if in such action the Court shall find that such corporation is guilty of unfair discrimination as defined by this Act, such Court shall annul the charter or revoke the permit of such corporation, and may permanently enjoin it from transacting business in this State.

Judgment by the court.

Section 3. Any person, firm or corporation violating the provisions of Section One (1) of this Act, whether as principal or agent, shall, upon conviction thereof be fined not less than Two Hundred (200) Dollars nor more than Ten Thousand (10,000) Dollars, for each offense.

Penalty.

Section 4. Nothing in this Act shall be construed as repealing any other Act or part of an Act, but the remedies herein provided shall be cumulative to all other remedies provided by law.

Other laws not repealed hereby.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved February 6, 1913.

CHAPTER 8.

A Bill for an Act entitled: "An Act to prohibit unfair competition and discrimination, and providing a penalty for the infraction of the provisions thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person, firm or corporation, foreign or domestic, doing business in the State of Montana, and engaged in the buying, selling, production, manufacture or distribution of any commodity in general use, that intentionally, for the purpose of destroying the competition of any regularly established dealer in such commodity, or to prevent the competition of any person, firm or corporation, who in good faith intends and attempts to become such dealer, shall discriminate between different persons, sections or communities in, or parts of this State by buying such commodity at a higher rate or price in one section, city or community, or any portion thereof, than such person, firm or corporation, foreign or domestic, pays for such commodity in another section, community or city, after equalizing the distance from the point of production, manufacture or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Unfair competition or discrimination in buying, commodities, defined.

Section 2. If complaint shall be made to the Attor-

HeinOnline -- 1913 7 1913

Duty of Attorney General upon complaint made to him.

ney General that any corporation is guilty of unfair discrimination as defined by this Act, he shall forthwith investigate such complaint, and for that purpose he shall subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents, and if, in his opinion, sufficient grounds exist therefor, he shall prosecute an action in the name of the State in the proper Court to annul the charter or revoke the permit of such corporation, as the case may be, and to permanently enjoin such corporation from doing business in this State; and if such action

Judgment by the court.

the court shall find that such corporation is guilty of unfair discrimination as defined by this Act, such Court shall annul the charter or revoke the permit of such corporation, and may permanently enjoin it from transacting business in this State.

Section 3. Any person, firm or corporation violating the provisions of Section 1 (One) of this Act, whether as principal or agent, shall, upon conviction, thereof be fined not less than Two Hundred ($200) Dollars, nor more than Ten Thousand ($10,000), for each offense.

Penalty.

Section 4. Nothing in this Act shall be construed as repealing any other Act or part of an Act, but the remedies herein provided shall be cumulative to all other remedies provided by law.

Act does not repeal other laws.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 6, 1913.

CHAPTER 9.

"An Act to authorize the Government of the United States, the United States Commissioner of Fisheries and its or his duly authorized agents the right to conduct Fish Hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper at a United States Fish Cultural Station to be established by the Government of the United States in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Authorizing the United States to conduct fish hatcheries within this state.

Section 1. That the Government of the United States, the United States Commissioner of Fisheries and its or his duly authorized agent or agents, be and they are hereby authorized, empowered and granted the right

HeinOnline -- 1913 8 1913

to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them or any of them, be considered necessary and proper at any United States fish cultural station that may hereafter be established by the United States Government in the State of Montana.

Section 2. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved February 8, 1913.

CHAPTER 10.

"An Act to amend Section 4655 of the Revised Codes of 1907, designating the officers before whom oaths of acknowledgment may be taken."

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1. Section 4655 of the Revised Codes of 1907, is hereby amended to read as follows:

Sec. 4655. The proof of acknowledgment of an instrument may be made in this state within the city, county or district for which the officer was elected or appointed, before either: Acknowledgements may be taken before whom within this state.

1. A clerk of a court of record; or,
2. A county clerk; or,
3. A notary public; or,
4. A Justice of the peace; or,
5. A U. S. Commissioner.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect from and after its passage and approval. Repealing clause.

Approved February 8, 1913.

CHAPTER 11.

"An Act to amend Section 9720 of the Revised Codes relating to the appointment and tenure of office of the Warden of the State prison."

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1. That Sec. 9720 of the Revised Codes be, and the same is hereby, amended, so as to read as follows:

Sec. 9720. A Warden of the State Prison shall be appointed by the Governor, and such appointment must be transmitted to and approved by the Senate. The Warden of State Prison. Appointment of.

HeinOnline -- 1913 9 1913

Term of office. Tenure of Office of the appointee shall be for a period of four years from the date of appointment and until his successor has been appointed and qualified. The salary of the Warden is hereby fixed at the sum of Four Thousand Dollars ($4,000.00) per year, payable in monthly installments of Three Hundred Thirty Three and 33-100 Dollars ($333.33) each, at the end of each and every month. The Warden shall be subject to removal by the State Board of Prison Commissioners at any time for misfeasance, nonfeasance or malfeasance in office, but before he is so removed formal charges in writing must be preferred and the Warden given opportunity to appear and defend himself against any such charges. When charges shall have been preferred, asking the removal of the Warden, notice of the time and place of hearing of said charges shall be served upon him at least five days prior to the day set for the hearing, provided, however, that when such charges have been preferred, the State Board of Prison Commissioners shall have the power and authority to suspend the Warden until after the determination of the charges preferred against him.

Salary.

Removal of by whom.

Written charges. must be prepared.

Notice of hearing.

May be suspended, when.

Repealing clause. Sec. 2. All Acts and parts of Acts in conflict are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its approval.

Approved February 10, 1913.

CHAPTER 12.

"An Act to regulate the selling, offering or exposing for sale of agricultural seeds in this state, and providing penalties for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Agricultural seed defined. Section 1. The term "agricultural seeds" or "agricultural seed" as used in this Act shall include the seeds of red clover, white clover, alsike clover, alfalfa, Kentucky blue grass, timothy, brome grass, orchard grass, redtop, meadow fescue, oat grass, rye grass, and other grasses and forage plants, corn, flax, rape, wheat, oats, barley, rye, buckwheat and other cereals, and when the term "agricultural seed" or "agricultural seeds" is used in this Act it shall be construed to mean such seed when sold, or offered or exposed for sale, or had in possession with intent to sell, within this State for the

HeinOnline -- 1913 10 1913

purposes of seeding in this state.

Section 2. The owner or person in possession of each and every package, parcel or lot of agricultural seeds as defined in Section one (1) of this Act which contains one (1) pound or more of such agricultural seeds, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seeds, a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic caps, such label containing a statement specifying:

Duty of person holding seed for sale.

Label to be attached.

Specifications contained in label.

1st. The commonly accepted name of the kind or kinds of such agricultural seed and the true variety or strain of such seed insofar as such variety or strain is known.

Kinds and variety.

2nd. The approximate percentage of germination of such agricultural seed together with the date of test of germination.

Percentage of germination.

3rd. The approximate percentage by weight of each of the following seeds: Quack grass, fan weed or french weed, mustard, wild oats, and dodder if any such are found in such agricultural seed.

Percentage of weeds and other seed.

4th. The approximate percentage by weight of all other foreign seeds combined in such agricultural seed.

Foreign seeds.

5th. The approximate percentage by weight of sand, dirt, broken or shriveled seeds, sticks, chaff and other inert matter combined in such agricultural seeds.

Dirt, chaff, etc.

6th. The county in which such seed was grown if grown in this state.

Where grown.

7th. The full name and address of the seedsmen, importer, dealer or agent or of other person or persons, firm or corporation selling, offering or exposing the said agricultural seed for sale.

Name and address of seedsmen, importers, etc.

Section 3. The provisions concerning agricultural seed contained in this Act shall not apply to:

Act not to apply to.

1st. Any person selling agricultural seeds direct to merchants or farmers to be cleaned or graded before being offered for sale for the purpose of seeding and plainly marked on the outside of container "not clean seed."

Seeds to be cleaned or graded.

2nd. Agricultural seed marked plainly on the outside of container, "Not Clean," and held or sold for export outside of the State only.

Seeds marked "not clean" to be sold outside of state.

Section 4. Any person, firm or corporation who sells, offers or exposes for sale or distribution in this

Penalties.

HeinOnline -- 1913 11 1913

state any agricultural seeds for seeding purposes without complying with the requirements of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars ($10.00) and the costs of such prosecution, nor more than one hundred ($100.00) dollars and the costs of such prosecution, and upon the second or any subsequent offense shall be fined not less than one hundred ($100.00) dollars and the costs of prosecution, nor more than five hundred ($500.00) dollars and the costs of such prosecution.

Inspection and examination of seeds by Director of State Grain and seed laboratory.

Section 5. The director of the State grain and seed Laboratory of the Montana Agricultural Experiment Station by himself, his agent or agents shall inspect, examine or make analyses of, and test seeds sold, offered or exposed for sale in the state at such time and place and to such an extent as he may determine. The said Director of the State grain and seed Laboratory of the Montana Agricultural Experiment Station, or by his agent or agents shall have free access at all reasonable hours upon and into any premises or structures to make examination of any seeds or an other premises of any warehouse, elevator or railway company, and upon tendering payment thereof, at the current value, may take any sample or samples of such seeds.

Director to have free access to premises storing seeds.

Director may employ necessary agents.

Section 6. The Director of the State grain and seed Laboratory under the direction of the Director of the Montana Experiment Station may employ such agent or agents as may be deemed necessary to carry out the provisions of this Act, and the salaries and expenses of such agents shall be paid out of moneys appropriated for the State grain and seed Laboratory of the Montana Agricultural Experiment Station.

Compensation of agents.

May send samples to laboratory for tests.

Section 7. Any citizen of the State of Montana in accordance with the regulations prescribed by the Montana Agricultural Experiment Station, and by pre-paying the transportation charges, may send samples or a sample of seed to said grain Laboratory of the Montana Agricultural Experiment Station for examination, analysis, and tests, and such examinations, analysis or tests shall be reported upon free of charge.

Certificate of test presumptive evidence.

Section 8. The certificate of the Montana Agricultural Experiment Station giving results of any examinations, analysis of tests of any seed samples made

HeinOnline -- 1913 12 1913

under the authority of said Montana Agricultural Experiment Station shall be presumptive evidence of the facts therein stated.

Duty of Experiment Station upon violations of act.

Section 9. When said Montana Agricultural Experiment Station shall find by its examinations, analysis, or tests, that any person, firm or corporation has violated any of the provisions of this Act, it shall transmit the fact so found to the Attorney General or to the County Attorney of the County in which the offense is committed.

Duty of Attorney General.

Section 10. It shall be the duty of the Attorney General and the County Attorney to prosecute all persons violating any of the provisions of this Act, when evidence thereof has been presented by the Montana Agricultural Experiment Station.

Repealing clause.

Section 11. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 12. This Act shall take effect from January 1st, 1914.

Approved February 10, 1913.

CHAPTER 13.

"An Act to create the office of State Traveling Parole Commissioner, define the duties of said Commissioner and fix his compensation therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

State Parole Commissioner.

Section 1. There is hereby created the office of State Parole Commissioner, which office shall be filled by a suitably qualified person to be appointed by the Governor. Said Commissioner shall hold office for the period of four years, but shall be subject to removal by the Governor at any time for cause.

Governor shall appoint.

Term of office.

Duties.

Section 2. It shall be the duty of said Commissioner to co-operate with the Warden of the State Penitentiary, and the Superintendent of the State Reform School in recommending paroles for the inmates of said institution. Said officer shall also assist men and boys paroled from said institutions in securing employment in suitable places where they will be as far removed as possible from their old associates. It shall be the duty of said Commissioner to assist said paroled prisoners in becoming law abiding citizens. He shall have general supervision and authority over said paroled prisoners and shall see that they report regularly to

Authority over paroled prisoners.

HeinOnline -- 1913 13 1913

Arrest prisoners when.

the proper authorities, and shall arrest and return to the proper place of confinement those who do not comply with all the terms upon which they shall have been paroled.

Salar-- and traveling expenses.

Section 3. Said State Parole Commissioner shall be paid the sum of two thousand ($2000) dollars per annum, and actual traveling expenses while engaged in the duties of his office. Said sums to be paid in the same manner as the salaries and traveling expenses of other State Officers.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall be in force and take effect from and after its passage and approval by the Governor.

Approved February 10, 1913.

CHAPTER 14.

"An Act to provide for an additional Judge for the Fourth Judicial District of the State of Montana so that there will hereafter be Three Judges in said District."

Be it enacted by the Legislative Assembly of the State of Montana:

Three judges for Fourth Judicial District.

Section 1. That from and after the passage and approval of this act there shall be three judges in the Fourth Judicial District in the State of Montana, one

Residence of one judge.

of whom may have his chambers at Thompson, county seat of Sanders County.

Governor shall appoint.

Section 2. That the Governor shall appoint some fit and qualified person as additional judge of the said Fourth Judicial District to hold his office until the first Monday of January, 1917 or until his successor is duly elected and qualified.

Compensation, powers and duties.

Section 3. The compensation, powers and duties of said additional judge by this act created shall be the same as provided by law for district judges.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1913.

HeinOnline -- 1913 14 1913

CHAPTER 15.

"An Act to amend Section 1500, Revised Codes of Montana, 1907, Defining the term 'Communicable Disease.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1500 of the Revised Codes of Montana, 1907, be, and the same is, hereby amended to read as follows:

Section 1500—Definition of the term "Communicable Disease"—The term "Communicable disease" as used in this act, shall be understood to include the following diseases: Smallpox, diphtheria, membraneous croup, so-called scarlet fever, "spotted" or "tick" fever, typhus fever, enteric or typhoid fever, cerebro spinal meningitis, measles, whooping cough, mumps, antero-polio myelitis or infantile paralysis, and tuberculosis and other diseases as the State Board of Health may hereafter designate. Communicable disease defined.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved February 13, 1913.

CHAPTER 16.

"An Act to amend Section 8336 of the Revised Codes of 1907, defining the crime of rape and increasing the age of consent of females."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8336 of the Revised Codes of 1907, defining the crime of rape, be and the same is hereby amended so as to read as follows:

"Section 8336. Rape defined.—Rape is an act of sexual intercourse accomplished with a female, not the wife of the perpetrator, under either of the following circumstances: Rape defined.

1. When the female is under the age of eighteen years. Age of consent.

2. Where she is incapable, through lunacy or any other unsoundness of mind, whether temporary or permanent, of giving legal consent.

3. Where she resists, but her resistance is overcome by violence or force.

HeinOnline -- 1913 15 1913

4. Where she is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by any intoxicating, narcotic or other anesthetic substance, administered by or with the privity of the accused.

5. Where she is, at the time, unconscious of the nature of the act, and this is known to the accused.

6. Where she submits, under a belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense or concealment practiced by the accused, with the intent to induce such belief."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this act are hereby repealed.

Section 3. This act shall be in full force and take effect from and after its passage and approval.

Approved February 13th, 1913.

CHAPTER 17.

"An Act to Authorize and Empower The State of Montana, The University of Montana, The State Normal College, The State Orphans' Home, The State School for the Deaf and Blind, the State School of Mines, the State Reform School, The Soldiers' Home, the Montana State Tuberculosis Sanitarium, the State Asylum for the Insane, the State Penitentiary, and any and all Institutions now Created or Established, or Which May Hereafter be Created or Established, Supported in Whole or in Part by the State of Montana for any purpose, to Receive and Take Property, Real or Personal, by Donation, Gift, Grant, Devise or Bequest, for the Use and Benefit of the State of Montana or of such Institutions; and to Authorize and Permit, Gifts, Grants, Donations, Bequests, Devises and Testamentary Dispositions of Property to be Made to the State of Montana, and to any of said Institutions."

Be it enacted by the Legislative Assembly of the State of Montana:

State institutions may take by gift, grant, devise, bequest, etc.

Section 1. That the State of Montana, The University of Montana, The State Normal College, The State Orphans' Home, The State School for the Deaf and Blind, the State School of Mines, the State Reform School, The Soldiers' Home, the Montana State Tuberculosis Sanitarium, the State Asylum for the Insane,

HeinOnline -- 1913 16 1913

the State Penitentiary, and any and all Institutions now created or established, or which may hereafter be created or established, and supported in whole or in part by the State of Montana for any purpose, are hereby empowered and given the right to accept, receive, take, hold, own and possess gifts, donations, grants, devises or bequests of real or personal property from any source whatsoever; and said gifts, donations, grants, bequests or devises may be made direct to the State of Montana, or in the name of any of said Institutions, or to any officer or board of said Institutions, or to any person in trust for said institutions, but in the event the same shall be made direct to any such institution, or to any officer or board of any such institution, such gift, donation, grant, devise, or bequest shall be construed as a gift, donation, grant, devise or bequest to the State of Montana and shall be administered and used by the State of Montana for the particular purpose for which the same was given, donated, granted, bequeathed or devised, and in the event no particular purpose is mentioned in such gift, grant, devise or bequest then the same shall be used for the general support, maintenance or improvement of such institution by the State of Montana.

How and in what name same may be made.

Construction and use.

Section 2. That a donation, gift, grant, bequest, devise, or testamentary disposition of property, real or personal, may be made by any person over the age of eighteen years of sound mind to the State of Montana, The University of Montana, The State Normal College, The State Orphans' Home, The State School for the Deaf and Blind, The State School of Mines, The State Reform School, The Soldiers' Home, The State Asylum for the Insane, The State Penitentiary, and any and all institutions now created or established, or which may hereafter be created or established, and supported in whole or in part by the State of Montana for any purpose. And any person, corporation or association of persons may make any gift, donation or grant of property, real or personal, to the State of Montana, or to any of the Institutions above named or referred to; but in the event any gift, donation, grant, devise or bequest shall be made to any such institution, or to any officer or board of any such institution, the same shall be construed as a gift, donation, grant, devise or bequest to the State of Montana, and shall be adminis-

Who may make.

Shall be construed as to the State of Montana, and how used.

HeinOnline -- 1913 17 1913

When the purpose not designated.

tered and used for the State of Montana for the particular purpose for which the same was given, donated, granted, bequeathed or devised, and in the event no particular purpose is mentioned in such gift, grant, devise or bequest, then the same shall be used for the general support, maintenance or improvement of such institution by the State of Montana.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4 This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 14, 1913.

CHAPTER 18.

An Act to require railroad companies to maintain suitable crossings at the intersection of public roads with any line of track of such railroad company.

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad crossings.

Section 1. That at every point in the State of Montana, outside of incorporated cities or towns, where a public road, lawfully established, now crosses or hereafter crosses any line of track owned by any railroad company of any kind, such railroad company shall maintain, in good condition, a crossing built of plank, cement, concrete, brick or other suitable material, which crossing must be so constructed as that the surface of the portion thereof between the rails of such track shall be flush with the top of the rails of such track, and shall maintain in good condition suitable approaches to such crossings so that such approaches and crossings shall present to the wheels of vehicles crossing the same an even and continuous surface without break, except such as may be necessary on the inner sides of the rails of such track to accommodate the flanges of the wheels of cars or locomotives passing over such track or tracks.

Railroad company must maintain in good condition.

How constructed.

Must maintain approaches.

Time within which crossings and approaches shall be placed.

Section 2. All railroad companies owning a line or lines of track within the State of Montana shall have until sixty (60) days after the passage and approval of this Act in which to place all approaches and crossings at the intersections of public roads with their respective lines of track in the condition required by this Act, and in case of any railroads hereafter constructed and in

HeinOnline -- 1913 18 1913

case of public roads hereafter established across any line or lines of track, the owner or owners of such track or tracks shall have sixty (60) days from and after notice of the establishment of such crossings in which to comply with the provisions of Section 1 hereof.

In case of new roads and railroads.

Section 3. Any railroad company failing to comply with the provisions of this Act or failing to repair any crossings which shall have become defective after the same have been erected in compliance with the provisions of this Act, within thirty (30) days after receipt of notice of such defective condition, shall pay to the State of Montana a fine of Ten Dollars ($10.00) per day for every day during which it shall fail to comply with the provisions hereof after the expiration of the time for compliance allowed by this Act.

Penalty upon failure to comply with provisions of act.

Section 4. The Board of Railroad Commissioners of the State of Montana is hereby given authority to enforce the provisions of this Act, but the County Attorneys of the respective counties shall also have authority to institute and prosecute proceedings for the violation of this Act as to any crossings within their respective Counties.

Railroad commissioners given authority to enforce act.

Authority of county attorneys.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1913.

CHAPTER 19.

"An Act to amend Section 35 of chapter 113 of the session laws of 1911 of the State of Montana, relating to the registration of electors and providing that electors otherwise qualified, shall not be required to register in order to vote at school elections in school districts of the third class."

Be it enacted by the Legislative Assembly of the State of Montana:

Who may vote.

Section 1. No person shall be entitled to vote at any election mentioned in this act, except as hereinafter provided, unless his name shall, on the day of election, appear in the copy of the official register or check list, furnished by the county clerk to the judges of election, at the precinct at which he offers to vote; and the fact that his name so appears in the check lists and in the copy of the official register, in the possession of the judges of election, shall be prima facie evidence of this right to vote; provided, that when the judges shall have good reason to believe, or when they shall be informed

Name must be registered and appear in check list and official register.

HeinOnline -- 1913 19 1913

If identity of person is questioned proof to be required.

by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name, and it being expressly provided that any elector otherwise qualified shall not be required to register in order to vote at a school election, general or special, in a school district of the third class; and that no copy of the official register or check list shall be furnished by the county clerk to the judges of election of any school election that may hereafter be held in this State in any school district of the third class.

No registration required to vote at school elections.

No official register or check list to be furnished at school elections.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 14, 1913.

CHAPTER 20.

"An Act to authorize the Attendant of the Supreme Court to exercise the functions and perform the duties of the Clerk of the Supreme Court whenever said Clerk is incapacitated or absent."

Be it enacted by the Legislative Assembly of the State of Montana:

Attendant of supreme court authorized to act as clerk, when

Section 1. Whenever the Clerk of the Supreme Court is incapacitated or absent, the attendant of the Supreme Court is hereby authorized to perform all of the functions and duties of said clerk.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force from and after its passage and approval.

Approved Feby. 14, 1913.

CHAPTER 21.

"An Act to provide that persons convicted of certain Offenses may be given the Benefits of a Suspended Sentence, and providing for the Supervision and care of such Persons."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In all prosecutions for crimes or misde-

HeinOnline -- 1913 20 1913

meanors, except as hereinafter provided, where the defendant has pleaded or been found guilty, or where the Court or magistrate has power to sentence such defendant to any penal or other institution in this state, and it appears that the defendant has never before been imprisoned for crime either in this State or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment), and where it appears to the satisfaction of the Court that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and where it may appear that the public safety does not demand or require that the defendant shall suffer the penalty imposed by law, said court may suspend the execution of the sentence and place the defendant on probation in the manner hereinafter provided. Nothing in this act contained shall in any manner affect the laws providing the method of dealing with the juvenile delinquents.

Suspended sentences, when may be given.

Act not applicable to juvenile delinquents.

Section 2. No person convicted of murder, arson, burglary of an inhabited dwelling house, incest, sodomy, rape without consent, assault with intent to rape or administering poison shall have the benefit of probation.

Benefit of act not to be applied in named felonies.

Section 3. Whenever a sentence to any penal or other institution in this state has been imposed, but the execution thereof has been suspended and the defendant placed on probation, the effect of such order of probation shall be to place said defendant under the control and management of the State Board of Prison Commissioners and he shall be subject to the same rules and regulations as applied to persons paroled from said institutions after a period of imprisonment therein.

Effect of probation.

Defendant subject to what rules and regulations.

Section 4. It shall be the duty of the State Board of Prison Commissioners to furnish the clerk of courts of each county with blank forms setting forth the requirements and conditions used by them in the parole of prisoners of the several institutions, but amended so as to be applicable to cases of probation.

Duty of State Board of Prison Commissioners.

Section 5. Whenever it is the judgment of the Court that the defendant be placed upon probation and under the supervision of the State Board of Prison Commissioners, it shall be the immediate duty of the clerk of said court to make a full copy of the judgment of the

Duty of clerk, to furnish Prison commissioners with copy of judgment, when.

HeinOnline -- 1913 21 1913

Probated prisoners to be released from prison, when.

Court, with the order for the suspension of the execution of sentence thereunder and the reason therefor, and to certify the same to the State Board of Prison Commissioners, and to the institution to which said Court would have committed the defendant but for the suspension of sentence. Upon entry in the records of the Court of the order for such probation, the defendant shall be released from custody of the Court as soon as the requirements and conditions fixed by the State Board of Prison Commissioners have been properly and fully met.

Board of Prison Commissioners to fix rules and regulations.

Section 6. The State Board of Prison Commissioners shall fix the rules and regulations governing all persons who may be released under the powers conferred by this Act, and the said rules and regulations shall be administered and enforced by the traveling Parole Commissioner or his assistants, as directed by said State Board of Prison Commissioners.

Duty of Traveling Parole Commissioner.

When probationed prisoners may be arrested and returned to confinement.

Section 7. Whenever a person placed upon probation, as aforesaid, does not conduct himself in accordance with the rules and regulations, as fixed by the State Board of Prison Commissioners, he shall be subject to arrest without warrant or other process, and shall be conveyed to and confined in the institution to which he would have been committed had he not been placed upon probation, and the said State Board of Prison Commissioners may forthwith terminate the probation of said person and shall forthwith notify the proper officers of said institution. In all cases of such termination of probation, the original sentence shall be considered as beginning upon the first day of imprisonment in the institution.

Term of sentence in case of termination of probation.

Discharge from further supervision to be issued when.

Section 8. Whenever it is the judgment of the State Board of Prison Commissioners that a person on probation has satisfactorily met the conditions of his probation they shall cause to be issued to said person a final discharge from further supervision; provided that the length of such period of probation shall not be less than the minimum or more than the maximum term for which he might have been imprisoned.

Duration of term of probation.

Expenses to be paid from what fund.

Section 9. The expenses incident to the care and supervision of prisoners under the provisions of this Act shall be paid out of the proper fund in the same manner as other expenses of the state penal institutions.

HeinOnline -- 1913 22 1913

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 11. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 14, 1913.

CHAPTER 22.

"An Act to amend Section 149 of Chapter 111, Title 1, Part III, of the Revised Codes of 1907, of the State of Montana, relating to the salary of the Governor of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 149 of chapter 111, Title 1, Part 111, of the Revised Codes of 1907, of the State of Montana, be and the same is hereby amended to read as follows:

"Section 149. The annual salary of the Governor, to include all services rendered ex-officio as member of any board or commission, as now required, or which may be by law hereafter devolved upon him, is Seven Thousand Five Hundred Dollars, ($7,500)." Salary of Governor of state.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 14. 1913.

CHAPTER 23.

"An Act to amend Section 3180 of the Revised Codes of the State of Montana, Relating to Trial Jurors."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3180 of the Revised Codes of the State of Montana be and the same is hereby amended to read as follows:

Section 3180. A juror must be paid for each day's attendance for the term or session for which he was summoned until excused. He must be paid for all Sundays and legal holidays unless he resides within ten (10) miles from the court house, and all jurors residing within ten (10) miles from the court house at Compensation of jurors.

Sundays and holidays to be included when.

HeinOnline -- 1913 23 1913

which he is summoned to appear shall receive no compensation for Sundays or legal holidays, or for any days he may have been absent or excused from attending the court.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 14, 1913.

CHAPTER 24.

An Act to permit insurance companies organized under the laws of the State of Montana to invest funds in Irrigation District Bonds, in addition to other securities, in which such insurance companies are now authorized to invest funds of such companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Domestic Insurance companies.

Section 1. That in all cases where any law of the State of Montana now authorizes the investment of any of the funds of any insurance company, organized and doing business under the laws of the State of Montana, in State, County, City or School District bonds or securities, such authorization is hereby extended in all such cases to the purchase of the bonds of any Irrigation District heretofore or hereafter organized under the laws of the State of Montana.

May invest funds in bonds of irrigation districts.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 14, 1913.

CHAPTER 25.

"An Act to amend Section 2199 of the Revised Codes of the State of Montana of 1907, relating to the giving of notice to the State Board of Land Commissioners of Certain bond sales and prescribing penalties for failure to comply with such provisions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2199 of the Revised Codes of the State of Montana of 1907, be and the same is hereby amended so as to read as follows:

HeinOnline -- 1913 24 1913

"Section 2199. Officers in charge of bond sales to give notice to Board. It shall be mandatory upon the officers in charge of County, City, School District and Irrigation District Bond Sales to give the State Board of Land Commissioners, at least thirty days prior to the date of such sales, a copy of the advertisement thereof, also full and complete proof of the proceedings had with reference to the issuance of said bonds, with the opinion of the County Attorney as to the legality thereof, together with a certificate showing the amount of taxable property in and the amount of indebtedness against such County, city, school or irrigation district and upon request shall furnish such other information as said Board may require, and any failure to comply herewith shall be deemed a misdemeanor punishable by a fine of not less than One Hundred ($100.00) Dollars or more than One Thousand ($1,000.00) Dollars, and the County Attorney of the proper County, upon request of the State Board of Land Commissioners, must prosecute any officer for violating this Section."

Information to be furnished State Board of Land Commissioners in case of sales of county and other bonds.

Penalty for failure to comply with provisions of act.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1913.

CHAPTER 26.

"An Act relating to the erection of Platforms by Railroads."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every Railroad Company doing business in this State shall within sixty days after notice from the Board of Railroad Commissioners of the State of Montana erect one or more platforms for the transfer of livestock, grain and other commodities from wagons or otherwise to cars at each and every station or siding designated in such notice; such platforms to be erected so as not to endanger life and property. If any railroad company after receiving notice as provided for in this section shall fail, refuse or neglect to erect platforms as required by this and the following section within the required sixty days, the said Board of Railroad Commissioners are authorized and empowered and it is made their duty to notify such railroad company to appear before them at a certain time and place and

Railroad companies to erect loading platforms at certain places after notice.

Manner of erection.

Duty of railroad commissioners in case railroad fails to comply with requirements in notice.

HeinOnline -- 1913 25 1913

Notice to appear and show cause.

show cause, if any there is, why such Board of Railroad Commissioners should not issue an order requiring such railroad company to comply with the requirements of this section. The said Board of Railroad Commissioners shall have power, after such hearing, to issue an order upon said railroad company commanding it to erect such platforms, if the said Board of Railroad Commissioners shall upon such examination and hearing deem such platform necessary. Any notice required to be served upon any railroad company to carry out any of the provisions of this section or similar provisions relating to the enlarging of such platforms may be served upon any agent of said Company within the State of Montana.

Power of board of railroad commissioners.

Upon whom notice may be served.

Dimensions of platforms.

Section 2. Each platform shall be not less than twelve feet wide and thirty-two feet long, extending four feet and six inches, or such height as shall be determined by the said Board of Railroad Commissioners above the rails of the track with suitable approaches to and from such platform to admit of the driving of loaded teams thereon.

Board has authority to order enlargement of platforms, when.

Section 3. The Board of Railroad Commissioners shall have power to order an enlargement of such platforms whenever petitioned to that effect and whenever the capacity of such platforms is in their judgment clearly insufficient for the accommodation of the public.

Railroad company to permit scales to be erected, when.

Section 4. Every railroad company shall allow suitable scales to be erected either upon the platform or upon the grounds adjacent thereto, if upon their right of way, for weighing and shipping purposes.

Misdemeanor, penalty.

Section 5. Every railroad company neglecting or refusing to comply with the requirements of this act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than five hundred dollars for every thirty days such failure shall continue after notice as aforesaid.

Repealing clause.

Section 6. All acts and parts of acts in conflict with this act are hereby repealed.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 15, 1913.

HeinOnline -- 1913 26 1913

CHAPTER 27.

"An Act Defining the Duration of Liens of Mortgages upon Real Estate and the Manner of the Extension Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every mortgage of real property made, acknowledged and recorded, as provided by the laws of this State, is thereupon good and valid as against the creditors of the mortgagor or owner of the land mortgaged, or subsequent purchasers or incumbrancers, from the time it is so recorded until eight years after the maturity of the entire debt or obligation secured thereby and no longer, unless the mortgagee, his heirs, executors, administrators, representatives, successors, or assigns, shall within sixty days after the expiration of said eight years file in the office of the County Clerk and Recorder where said mortgage is recorded, an affidavit, setting forth the date of said mortgage, when and where recorded, the amount of the debt secured thereby, and the amount remaining unpaid, and that the said mortgage is not renewed for the purpose of hindering, delaying or defrauding creditors of the mortgagor or owner of the land, and upon the filing of said affidavit, the said mortgage shall be valid against all persons for a further period of eight years; provided, however, that any mortgage now of record as to which eight or more years from the maturity thereof have elapsed may be renewed at any time within six months from the date of the approval of this Act, by filing within said time the aforesaid affidavit with the County Clerk of the County wherein such mortgage may be recorded.

Period of lien of mortgage upon real property.

Manner of extending life of lien.

Affidavit to be filed when and by whom.

Contents of affidavit.

How existing mortgages may be extended.

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 17, 1913.

CHAPTER 28.

"An Act to amend Section 6121 of the Revised Codes of Montana (1907) relating to Injunctions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6121 of the Revised Codes of the State of Montana (1907) be and the same is hereby

HeinOnline -- 1913 27 1913

Injunctions, can not be granted, when.

amended to read as follows: Section 6121. An injunction cannot be granted:

1. To stay a judicial proceeding pending at the commencement of an action in which the injunction is demanded unless such restraint is necessary to prevent a multiplicity of such proceedings.

2. To stay proceedings in a court of the United States.

3. To stay proceedings in another state upon a judgment of a court of that state.

4. To prevent the execution of a public statute, by officers of the law, for the public benefit.

5. To prevent the breach of a contract, the performance of which would not be specifically enforced.

6. To prevent the exercise of a public or private office, in a lawful manner, by the person in possession.

7. To prevent a legislative act by a municipal corporation.

8. In labor disputes under any other or different circumstances or conditions, than if the controversy were of another or different character, or between parties neither or none of whom were laborers or interested in labor questions.

Section 2. All Acts or parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 21, 1913.

CHAPTER 29.

"An Act to Establish a System of Examination for Master and Journeymen Plumbers; Fixing the Fees to be Charged for Licenses, and the Disposition of the Fund thus Created, and Providing Penalties for the Violation of the Provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Plumbers shall procure a license in cities and towns of more than 3,000 inhabitants.

Section 1. Any person working at the business of plumbing, in any incorporated city or town in this State, containing more than three thousand inhabitants, either as a Master plumber or as a journeyman plumber, shall first secure a license as hereinafter provided.

Application for license, filed with whom.

Section 2. Any such person desiring to work at the business of plumbing in any such city or town shall file his application for a license with the Secretary of the

HeinOnline -- 1913 28 1913

Board of Examiners, of such city or town, and shall, at such time and place as may be designated by the board of examiners of plumbers of such city or town, be examined as to his qualifications for working in such business. May be examined.

Section 3. Within sixty days after this Act becomes a law, the mayor of each such city or town, shall appoint a board of plumbing examiners consisting of three members—One Journeyman plumber, one Master plumber, and the health officer of said city or town. Two of the members of said board shall be practical plumbers, well versed in modern sanitary plumbing, sanitation and sewerage, and the members of said board shall serve for a period of three years from the date of their appointment; Provided, however, the first board shall serve as follows: One member for one year, one member for two years and one member for three years, and the Mayor in making the appointment shall designate the time that each member constituting the first board shall serve. Thereafter upon the expiration of the term of office of each member of the board, or when a vacancy occurs, the Mayor shall make a new appointment for unexpired term or for a period of three years. In those cities which have a plumbing inspector, such plumbing inspector, shall, ex-officio, be a member of such board of Examiners. The members of the said board shall be entitled to a compensation of five dollars per diem, each, for each and every day while actually engaged in the work of the Board. The compensation, however, to be paid from the revenues realized under the provisions of this Act, but not otherwise. Any applicant for a license to work at the business of plumbing in any such city or town shall be examined as to his qualifications by the board of examiners of plumbers for such city or town. It shall be the duty of the said board to examine each applicant for a license as provided for in this Act, two to determine his qualifications and fitness for carrying on the business of a Master plumber or journeyman plumber, and if the applicant successfully passes the examination as prescribed by the said Board, then a license shall be issued to such applicant, for such license, authorizing him to engage in the business and occupation of a Master plumber, or a journeyman plumber, as the case may be, which license, when issued, shall authorize the holder thereof to carry on the business of a

Board of plumbing examiners to be appointed by whom.

Who shall compose the board.

Qualifications and term of office.

Terms of first board members.

Appointment and terms of subsequent members.

Plumbing inspectors to be ex-officio members.

Compensation of members.

Examination of applicants for licenses.

Two members to determine qualification.

License to issue when.

HeinOnline -- 1913 29 1913

Master plumber or a journeyman plumber in any of said cities or towns.

Application shall state what.

Section 4. Any person, firm or corporation, desiring to engage in or work in the business of plumbing, either as a Master plumber or as a Journeyman plumber, in any of said cities or towns, shall apply to the Secretary of said Board of plumbing Examiners in such city or town, by filing a written application with the Secretary of the Board, stating his place of residence, age, experience and the place where he has acquired his experience, and shall at such time and place as may be designated by the said board, as herein provided for, be examined as to his qualifications for said license. In the case of a firm or corporation, the examination and issuing of a license to any one member of the firm or to the manager of the corporation, shall satisfy the requirements of this Act as to Master plumbers, but not as to journeymen plumbers; Provided, however, that no person shall do the work of a Master plumber, unless licensed as provided for in this Act.

Master plumber's license issued to any member of a firm or the manager of a corporation shall satisfy the requirements of this act.

Section 5. No applicant for a Master plumber's license shall be entitled to submit to the examinations prescribed by the said Board of Plumbing Examiners until he shall have deposited with the secretary of said Board the sum of Ten ($10) dollars as an examination fee, and no applicant for a journeyman plumber's license shall be entitled to submit to the examination prescribed by the said Board of plumbing Examiners, until he shall have deposited with the Secretary of said Board the sum of Two ($2) dollars as an examination fee, such examination fee to be returned to the applicant in case he fails to pass the examination and is refused a license; each license when issued shall expire one year from the date of its issuance and shall have no force or effect after the expiration of one year after the date of its issuance. Any license, however, issued to a Master plumber or a journeyman plumber shall be renewed annually, without examination at any time prior to its expiration, by a written request for its renewal directed to the Secretary of the said Board of plumbing examiners and the payment of the sum of Two dollars and fifty cents ($2.50) for a renewal of a Master plumber's license and the sum of One ($1) dollar for a Journeyman plumber's license, and any such renewal shall also be for the period of one year.

Examination fee for master plumber's license.

Fee for journeyman plumbers' license.

Fees to be returned, when.

License good for one year only.

Renewal without examination.

Renewal fees.

HeinOnline -- 1913 30 1913

Apprentice. Rules and regulations for.

Section 6. Nothing in this Act shall prohibit any person from working as an apprentice in said trade of plumbing with a plumber duly licensed by said Board as herein provided for, and under such rules and regulations as may be prescribed from time to time by said Board of plumbing examiners; Provided, the name and residence of each apprentice and the names and residences of their employers shall be duly filed with said Board, and a record in a suitable book, to be provided by said Board, shall be kept by said Board, showing the names and residences of such apprentices.

Record of name and residence of apprentices to be kept by board.

Moneys paid as license fees to be kept by whom and expended for what purposes.

Section 7. All moneys paid for license fees as provided for in this Act shall be placed in the custody of the city or town treasurer, who shall keep such sums in a distinct fund, and any moneys in such fund shall be applied in defraying any expenses incurred by the Board of examiners of plumbers in any such city or town, in carrying out the provisions of this Act.

Licenses may be revoked when and on what account.

Section 8. The license and permit granted as herein provided may be at any time revoked for incompetency, dereliction of duty or other sufficient cause after a full and fair hearing by said Board.

Quorum of board.

Section 9. A majority of said Board of plumbing examiners shall constitute a quorum for the purpose of transacting any and all business that may come before the Board.

Who entitled to a license without examination.

Section 10. All Master and Journeyman plumbers now engaged in the business of actually or regularly working at the trade of plumbing shall be entitled to a license to be issued by said Board of plumbing examiners, immediately after its organization as provided for by this Act, without submitting or being required to submit to any examination whatever, upon the payment by each of the applicants for such license of the sum of Ten ($10) Dollars in the case of a Master plumber and Two ($2) Dollars in the case of a Journeyman plumber, and such license, when issued, shall be renewed from time to time annually as hereinbefore provided.

Fees to be paid where no examination is required.

Misdemeanor.

Section 11. Any person working at the business of plumbing or maintaining or conducting a plumbing shop in any incorporated city or town in this State, containing more than three thousand inhabitants, who violates any provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine

HeinOnline -- 1913 31 1913

Penalty.

of not less than Ten ($10) Dollars and not more than One Hundred ($100) Dollars for each separate offense.

Repealing clause.

Section 12. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 13. This Act shall take effect on and after June the first, 1913.

Approved Feb. 21, 1913.

CHAPTER 30.

"An Act to amend Sections 1639, 1640, 1642, 1643, 1644, 1647, 1648, 1649, 1650, 1651, 1652, 1655, 1656, 1657, 1659, 8444, of the Revised Codes of 1907 and to amend Section 1641 of said Codes as the same was amended by Chapter 10 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana and to repeal Sections 1658 and 8468 of said Codes, all relating to the inspection and operation of steam boilers within the State of Montana and including the examination and licensing of engineers therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1639 Revised Codes, 1907, amended.

Section 1. That Section 1639 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Inspector of boilers, appointment and duties.

Sec. 1639. There must be appointed by the Governor, by and with the advice and consent of the Senate, one inspector of boilers, whose duty it is to inspect all steam boilers now in use in the State, not subject to inspection under the laws of the United States, and to examine and grant licenses to steam engineers intrusted with the care and management of steam boilers and steam machinery. The salary of the inspector of boilers is $2,500.00 per year, and his term of office is four years, unless sooner removed by the Governor. The inspector of boilers must execute an official bond in the sum of five thousand dollars.

Salary and term of office.

Official bond.

Section 2. That Section 1640 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Eligibility.

Sec. 1640. No person is eligible to hold the office of inspector of boilers and steam engines who has not had at least ten (10) years of actual experience in the operation of steam engines, steam boilers and steam machinery, and who has not held for at least five years immediately preceding his appointment a first class sta-

HeinOnline -- 1913 32 1913

tionery engineer's license of the State of Montana, or who is directly or indirectly interested in the manufacture or sale of boilers or steam machinery or any patented article required to be sold relating thereto.

Section 3. That Section 1641 of the Revised Codes of 1907 as the same appears after amendment by Chapter 10 of the Session Laws of the Twelfth Legislative Assembly of Montana be and the same is hereby amended to read as follows:

Assistant inspectors of boilers.

Sec. 1641. There shall be three assistant inspectors of boilers, each of whom shall be called assistant inspector of boilers. Such assistant inspectors must be persons who have had at least five years practical experience in the operation of steam engines and boilers and must have held a first class stationery engineer's license within the State of Montana for at least one year immediately prior to appointment as assistant inspectors and must be persons of temperate habits and good character and qualified to perform the duties of their office. They shall be appointed by the Governor, by and with the advice and consent of the Senate, and be subject to removal at the will of the Governor. The salary of each assistant inspector shall be $2,100.00 per year. Each assistant inspector must execute an official bond in the sum of $2,500.00.

Qualifications.

Appointment of assistant inspectors.

Salary.

Clerk to State Boiler Inspector and Quartz Mine Inspector.

There shall be a clerk to the State Boiler Inspector to be appointed by the Governor who shall also perform the duties of clerk to the State quartz mining inspector and the clerk of the State Coal mine inspector. The salary of such clerk shall be one thousand, five hundred ($1,500.00) dollars per year, nine hundred ($900.00) dollars of which shall be charged to the State Boiler Inspector's department; three hundred ($300.00) dollars of which shall be charged to the State Quartz Mining Inspector's department; and three hundred ($300.00) dollars of which shall be charged to the State Coal Mine Inspector's department, provided that when such clerk ceases to perform the duties as clerk to any one of the departments no part of such salary shall be charged to that department. Such clerk shall execute an official bond in the sum of $2,000.00

Appointment and salary.

Salary to be paid from what funds.

Bond of clerk.

Section 4. That Section 1642 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Sec. 1642. The inspector of boilers must have his

Place of office.

office at the seat of government, and must adopt rules as nearly uniform as possible for the inspection of steam boilers and prescribe the nature and extent of the examnation of applicants for licenses and adopt such rules for the issuing thereof as are required by the provisions of this article, and must adopt such rules as he may deem necessary to carry into effect the provisions of this article.

Rules for inspecting boilers and examination for and issuance of licenses.

Section 5. That Section 1643 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Sec. 1643. The inspector of boilers must inspect all steam boilers and steam generators before the same are used and all persons who bring into this state any boiler or boilers must notify the boiler inspector stating the number and kind of boilers, where the same had theretofore been located and where they are to be located and operated in this State, and must secure from the boiler inspector a certificate of inspection before said boilers are placed in operation, except in the case of new boilers, which must be inspected within ninety (90) days after they are put in use, and all boilers must be inspected at least once in every year. Provided, that where a boiler has not been in use for more than sixty days during the year the inspector may, if he is satisfied that said boiler has been properly cared for and in in good condition, extend such certificate for an additional year without further inspection of such boiler, which extension shall be made without additional charge. Any person failing to give notice to the boiler inspector as herein provided, or who operates such boilers without a certificate from the boiler inspector shall be punished by a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars for each offense, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. The inspector of boilers must subject all boilers to hydrostatic pressure, which hydrostatic pressure must be 33% greater than the steam pressure allowed on the boilers, providing there are no such leaks on such boilers which prevent the inspector from applying such hydrostatic pressure, and the inspector must satisfy himself by and through interior and exterior examination that the boilers are well made and of good and suitable

Inspector must inspect steam boilers and generators when:

Duties of person bringing boilers into state.

When new boilers must be inspected.

Annual inspection.

When certificate of inspection may be etxended.

Failure to give notice as herein required.

Penalty.

Pressure test required and examinations required.

Boiler requirements.

HeinOnline -- 1913 34 1913

material; and the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of the proper dimensions and free from obstructions; that the flues are circular in form; that the fire line of the furnace is at least two inches below prescribed minimum water line of the boilers; that the arrangement for delivering the feed water is such that the boilers cannot be injured thereby, and that such boilers and the steam connections may be safely employed without danger to life.

Section 6. That Section 1644 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Further duties and requirements in making inspection.

Sec. 1644. The inspector must also satisfy himself that the safety valves are of suitable dimension, sufficient in number and area, and properly arranged, and that the safety valve weights are properly adjusted so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there are a sufficient number of gauge cocks properly inserted to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and adequate and certain provisions for an ample supply of water to feed the boilers at all times, and that suitable means for blowing out are provided, so as to thoroughly remove mud and sediment from all parts of the boilers when they are under pressure of steam, and any renter, user or owner of a boiler or any person or persons who tamper with the safety valve to allow the boiler to carry greater pressure than is allowed by the inspection certificate shall be deemed guilty of a misdemeanor.

Tampering with safety valves a misdemeanor when.

Hydrostatic test must exceed working pressure how and when.

In subjecting the boilers to the hydrostatic test, the test applied must exceed the working pressure allowed in the ratio of 100 to 66 2-3, provided the valves and other conditions of piping on the boiler will allow the inspector to make such test. But where there are leaks on the boiler which make it impossible to apply such hydrostatic pressure or where the water cannot be procured with which to make such test, the inspector may make a hammer test of said boiler and inspect same closely and give to such boiler a rating for steam pressure as its condition will warrant. In all cases the inspector must use judgment in the steam pressure allowed on boilers. Where a boiler is constructed with

When hammer test may be used.

Where factor of four and one half may be used in test.

HeinOnline -- 1913 35 1913

lap horizontal seams on boiler, dome or drum, a factor of four and one-half shall be used in determing the safe working pressure allowed on such boiler. But where the boilers are constructed with butt-strap horizontal seams, a factor of four may be used in determining such safe working pressure. But in any case the inspector may use a higher factor if the conditions are such as to warrant it. If boiler rests on side wall on lugs, or is hung by eye beams or is in any way set up so that the weight of the boiler is pulling against the horizontal seam of rivets, a factor of five must be used to determine the safe working pressure allowed on boiler. Where the horizontal lap seams of boiler are exposed to the fire, a factor of five must be used to determine the safe working pressure to be allowed on such boiler. On stay bolts, if new, seven thousand five hundred pounds pressure per square inch shall be allowed. If such stay bolts are corroded or defective the inspector must determine the pressure to be allowed on same. On braces made of solid material, eight thousand pounds pressure per square inch shall be allowed. On welded braces or braces with only one crowfoot, six thousand pounds pressure per square inch shall be allowed. No cast iron shall be used in the construction or reinforcements of any boiler where the pressure allowed on said boiler is more than one hundred pounds per square inch.

Other factors used when.

Pressures used in tests.

No cast iron to be used when.

Section 7. That Section 1647 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Sec. 1647. It is the duty of the owners or managers of steam boilers to allow the inspector free access to the same. In case the owner or manager of any boiler is notified by the inspector to have said boiler ready for inspection on a day certain and fails to have such boiler ready for inspection at such time, the inspector shall at once seal up the fire box in such boiler and such seal must not be removed from the fire door without a written order from the inspector. Any person tampering with or removing said seal shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than two months nor more than six months, or by both such fine and imprisonment.

Owner shall allow free access to boiler.

Inspector to seal up fire box when.

Misdemeanor to tamper with or remove seal.

Penalty.

HeinOnline -- 1913 36 1913

If the owner or manager of any boiler that has been so sealed desires to have the same inspected before the next regular visit of the inspector to the district where said boiler is situated, he must pay all transportation and hotel expenses of the inspector who makes the inspection, in addition to the inspection fee provided by law. It shall be the duty of the engineer operating any boiler or boilers to assist the inspectors in their examination of the same and point out any defects known to him in the boilers or machinery under his charge. Any engineer not complying with this section shall have his license revoked or suspended.

When owner must pay costs and expenses of inspector.

Duty of Engineer to assist in inspection.

Penalty for not complying.

Section 8. That Section 1648 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Sec. 1648. No person must be granted a license to operate steam boilers or steam machinery under the provisions of this Article who has not been examined by the inspector and found competent to perform the duties of an engineer and receive from such inspector a written or printed license so to act. Any person who operates any steam boiler or steam engine without first obtaining a license from the inspector or an assistant inspector is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than sixty days or by both such fine and imprisonment.

Who shall not be granted license.

Misdemeanor to operate without a license.

Penalty.

Section 9. That Section 1649 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Sec. 1649. Engineers entrusted with the care and management of steam machinery as specified in Section 1648 must be divided into three classes, namely, first class engineers, second class engineers and third class engineers. No license shall be granted to any person to perform the duties of first class engineer who has not taken and subscribed an oath that he has had at least three years experience in the operation of steam boilers and steam machinery, or whose knowledge and experience is not such as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery. No license must be granted to any person to act as second class engineer who has not taken and subscribed an oath that he has had at least

Classification of engineers.

Qualifications and oath of first class engineers.

Second class engineers.

HeinOnline -- 1913 37 1913

two years of experience in the operation of steam boilers and steam engines and at an examination found competent to take charge of all classes of steam boilers and steam machinery not exceeding 100 horsepower.

Third class engineers.

No license must be granted to any person to act as a third class engineer who has not served at least one year as fireman under a competent engineer and found upon examination to be sufficiently acquainted with the duties of an engineer to be intrusted with steam boilers and steam machinery not exceeding twenty horse power.

When firemen shall hold third class license.

All firemen who have charge of steam boilers as to the regulation of feed water and fuel where the boilers are so situated as not at all times to be under the eye of the engineer in charge, are required to pass a third class engineer's examination and procure the same kind of license.

Qualifications of applicants for engineer license

All applicants for license as stationary engineers or firemen must be at least eighteen years of age.

Traction license.

None of the licenses in this section above named shall entitle the holder thereof to operate a traction engine, but all persons who are entrusted with the care and management of traction engines or boilers on wheels, other than locomotives, are required to pass an examination as to their competency to operate such class of machinery and to procure a license to be known as a traction license.

Holder of traction license can not operate other engines.

Such traction license shall not entitle the holder thereof to operate any other class of steam machinery specified in Section 1648.

Qualifications of traction engineers.

No license shall be granted to any person to act as a traction engineer who has not had at least six months experience as fireman on traction engines and who is not found upon examination to be sufficiently acquainted with the duties of a traction engineer to be intrusted with the care of traction engines.

Age requirements.

Applicants for traction license must be at least eighteen years of age.

Section 10. That Section 1650 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Complaint investigation and revocation of engineers' license.

Sec. 1650. Whenever complaint is made against an engineer holding a license from the inspector that he through negligence, want of skill, or inattention to duty, permitted his boiler to burn or otherwise become in bad condition, or that he has been found intoxicated while on duty, it is the duty of the inspector or assistant inspector to make a thorough investigation of the charge and upon satisfactory proof of such charge to revoke

HeinOnline -- 1913 38 1913

the license of such engineer.

Section 11. That Section 1651 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Joint and separate inspection.

Sec. 1651. In making an inspection of the boilers and machinery herein provided for the inspectors may act jointly or separately but the inspector or assistant inspector making such inspection must in all cases certify the same under the seal of the boiler inspector's office. Any inspector or assistant inspector who wilfully and feloniously certifies regarding any steam boilers or their attachments or grants a license to any person to act as engineer contrary to the provisions of this article is punishable under the provisions of Section 8446, of the Revised Codes.

Fraudulently certifying to steam boilers or issuing license.

Section 12. That Section 1652 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Fees for boiler, examinations.

Sec. 1652. The inspector or assistant inspectors are authorized to charge a fee of ten dollars for the inspection of each single boiler and its steam connections and five dollars for each additional boiler when connected. The fee for the inspection of each traction engine boiler on wheels shall be ten dollars. The fee for the inspection of boilers in incorporated cities shall be five dollars. Such fees shall be payable at the time of the inspection. In case of the failure of the owner or manager or person in charge of any boiler to pay such fee upon the demand of the inspector, said inspector is authorized to seal the fire box of said boiler and such seal shall not be removed until said fee is paid and the written order of the inspector authorizing its removal is received by said owner or manager. Any person who tampers with or removes said seal without such written order shall be deemed guilty of a misdemeanor and punished as provided by Section 1647. The fee for the examination of applicants for engineer's license is $7.50 for first class engineer; $5.00 for second class engineer; $3.00 for third class engineers; and $3.00 for traction engineers; to be paid at the time of application for license. In case of the failure of any applicant to pass a successful examination, ninety days must elapse before he can again be examined as an applicant for a license. But the inspector may grant to the applicant a lower grade of license than that applied for upon such

In incorporated cities.

Inspector authorized to seal fire box if fee not paid.

Misdemeanor to remove or tamper with seal.

Fes for examination for engineer's license.

When applicant may be examined second time.

HeinOnline -- 1913 39 1913

Posting of certificates and licenses.

examination. All certificates of inspection and engineers licenses must be displayed in a conspicuous place in the engine room.

Section 13. That Section 1655 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Article not applicable to certain classes of boilers and engineers.

Sec. 1655. This Article does not apply to locomotives in Montana nor to cast iron boilers, nor to boilers used for heating purposes in private residences, nor to any boiler having a capacity of five horse power or less; nor are locomotive engineers or persons operating any of the engines or boilers herein exempted from the operation of this article required to procure license from the inspector or assistant inspectors of boilers. It shall be the duty of the owner or user of any traction engine or boiler on wheels, other than locomotives, to notify the inspector of the location of such boiler on or before the first day of June of each year. Any owner or user of such traction engine or boiler who shall fail to notify the inspector shall be deemed guilty of a misdemeanor. Any person purchasing any steam boiler, whether a traction or stationary boiler, shall be entitled to receive from the seller the certificates of inspection issued on such boiler, and any person purchasing any steam boiler, whether traction or stationary, not exempted by the provisions of this section, shall within ten days after such purchase report the fact of such purchase to the boiler inspector and notify such inspector where he intends to locate or operate said boiler. And any person failing to comply with this provision of this section shall be deemed guilty of a misdemeanor.

Notice to inspector of traction boilers.

Failure to give notice a misdemeanor.

Purchasers entitled to boiler certificate.

Must report purchase to inspector.

Misdemeanor.

Section 14. That Section 1656 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Annual renewal of license.

Failure to renew.

Money to be paid into state treasury.

Annual Report of inspector.

Sec. 1656. All certificates of license to engineers of all classes shall be renewed yearly. The fee for renewal is one dollar in all cases. Any engineer failing to renew his license as herein provided, or within at least thirty days thereafter, must forward the fee for the original license of the same grade, before license can be re-issued. All moneys collected by virtue of the provisions of this article must be paid into the state treasury at least as often as once in each month. The inspector of boilers must make an annual report to the Governor on the tenth day of December of each year,

HeinOnline -- 1913 40 1913

setting forth the moneys collected by himself and assistant inspectors from any and all sources and the disbursements and the number of boilers inspected by them and the general results and experiences of his office together with such recommendations as to him may seem fit and proper. Said report must also refer to and account for the cause of any boiler explosion which may have occurred in the State during the year and the loss of life and property resulting therefrom.

Section 15. . That Section 1657 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Unlawful to operate boiler without a license.

Sec. 1657. It is unlawful for any person in this State to operate a stationary boiler or steam engine or any boiler or steam engine other than railroad locomotives or other engines and boilers exempted by the provisions of Section 1655, without a license granted under the provisions of this article. The owner, renter or user of any steam engine or boiler is equally liable for the violation of this action. But in case of accident, sickness, refusal to work or any unforseen prevention of the licensed engineer employed by any owner, renter or user of a steam engine or boiler operated in remote districts which would retard the work to be performed, the owner, renter or user may, for the space of fifteen days employ any person of the age of eighteen years whom he may consider competent to run the engine or boiler, although such person so employed may not be the holder of an engineer's license. The person so employing the unlicensed engineer must immediately notify the inspector or assistant inspector. But no owner, renter or user of steam machinery shall be allowed to so employ unlicensed engineers for more than fifteen days in any one calendar year. And it shall be unlawful, except as stated in this section for any person, firm or corporation to employ any person not duly licensed as an engineer within the meaning of this Act, to run or operate any of the boilers or engines subject to the provisions of this act.

Owner or renter liable.

In case of sickness, etc., of engineer in remote districts.

Notice in such cases.

Time limit of such employment

Section 16. That Section 1659 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Second hand boilers; sale and use forbidden except in certain cases.

Sec. 1659. Any person, firm or corporation who sells or offers to sell or who uses or attempts to use, or who rents to others for use or who delivers to others for

use or who induces others to use any steam boiler that has theretofore been used, either within or without this state, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not longer than six months, or by both such fine and imprisonment. Provided that the provisions of this section shall not apply to boilers or engines exempted by the provisions of Section 1655, nor does it apply to boilers which have been inspected within one year prior to the commission of the act complained of and on which a certificate of inspection has been issued and has not been revoked, nor does it apply to boilers on which a certificate of inspection has been extended as provided in Section 1643 within the time limit of such extension.

Penalty.

When prohibition not applicable.

Section 17. That Section 8444 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Sec. 8444. Every person who operates any steam boiler or steam engine without first obtaining a license from the boiler inspector or assistant boiler inspector as required by law, and every owner, employer or manager of any steam engine or boiler who knowingly permits any unlicensed engineer to operate any steam boilers or steam engines where a license is required, or who operates or causes to be operated any steam engine or boiler without having the same inspected and the inspector's certificate issued thereon as required by law, or who violates any of the provisions of Section 1639 to and including Section 1659 of the Revised Codes of 1907 as amended by this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, where no other punishment is prescribed, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail of not exceeding six months, or by both such fine and imprisonment.

Operating boilers without license prohibited.

Permitting unlicensed engineer to operate.

Operating boiler which has not been inspected.

Misdemeanor.

Penalty.

Section 18. That Sections 1658 and 8468 of the Revised Codes of 1907, be and the same are hereby repealed.

Repealing sections 1658 and 8468 Codes of 1907.

Section 19. All Acts and parts of Acts in conflict with this act be and the same are hereby repealed.

Section 20. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1913.

HeinOnline -- 1913 42 1913

CHAPTER 31.

"An Act to provide for the date of expiration of Hunting and Fishing Licenses."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All hunting and fishing licenses shall expire on the 30th day of April, next after their issuance. The provisions of this Act shall be construed to apply to all hunting and fishing licenses, including Resident Citizens' hunting and fishing licenses, Non-Resident Citizens' fishing licenses, General Non-Resident Citizens' hunting and fishing licenses, Limited Non-Resident Citizens' hunting and fishing licenses, Alien fishing licenses, General Alien hunting licenses and limited Alien hunting licenses.

Hunting and fishing licenses; expire when.

Section applicable to licenses named.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in force and effect May 1st, 1913, after its passage and approval by the Governor.

Approved Feb. 25, 1913.

CHAPTER 32.

"An Act to amend Section 270 of the Revised 1907 Code of the State of Montana, relating to the storage and safe-keeping of the records of the Grand Army of the Republic."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 270 of Article XV, Part III, Title I of the Revised 1907 Code of Montana be amended so as to read as follows:

"Section 270. Grand Army of the Republic, record room. The Governor and Secretary of State are hereby authorized and directed to set apart a suitable room in the Capitol Building of the State of Montana, for the storage and safe-keeping of archives, records, etc., of the Grand Army of the Republic."

Grand Army of the Republic; quarters for.

The room set apart in the Capitol building in compliance with the provisions of an Act approved March 5, 1903, for the purpose of storage and safe-keeping of archives, records, documents, relics and mementoes of the Department of Montana of the Grand Army of the Republic, shall be suitably furnished and shall be under the charge of a custodian selected by the Department

Room to be furnished.

Custodian.

HeinOnline -- 1913 43 1913

Commander of Department of Montana of the Grand Army of the Republic, and their successors in office.

Use of Room.

Section 2. Said room shall be used by such custodians for the purpose of storing and exhibiting relics and mementoes of the Civil War and for arranging and preserving the History of Citizens of this State who served in the Army, Navy or Marine Corp of the United States during the Civil War and any other literature which the Department of Montana of the Grand Army of the Republic may collect and desire to preserve as a part of the History of the State such records and exhibits, shall be accessible at all times under suitable rules and regulations to all Citizens of this State and other persons desirous of viewing such exhibits.

Records and property of the Grand Army to become property of State, when.

Section 3. All books, records, papers, relics, mementoes and other effects of whatever nature belonging to the Department of Montana of the Grand Army of the Republic and accorded space in this room shall whenever such Department ceases to exist as a Department of the Grand Army of the Republic becomes the property of the State of Montana.

Expenses and salary of custodian limited.

Section 4. The expense of collecting and maintaining such exhibits including the salary of the custodian herein provided, shall not exceed the sum of Twelve hundred ($1200) dollars in any one year, which shall be paid by the State Treasurer in the same manner as the expenses of maintaining other State Departments are paid.

How paid.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Feb. 25, 1913.

HeinOnline -- 1913 44 1913

CHAPTER 33.

"An Act to amend Section 8784 of the Revised Codes of Montana, 1907, as amended by Chapter 81 of the Session Laws of 1909, relating to the killing of elk, Rocky Mountain goat and Rocky Mountain Sheep, and fixing the open season therefor and providing for a closed season on elk in certain counties and parts of counties in Montana until October first, 1918, and defining the sex and age of Rocky Mountain sheep that may lawfully be killed during the open season and providing penalties for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Open season for elk, sheep and goats.

Sec. 1. That Section 8784 of the Revised Codes of Montana of 1907 as amended by Chapter 81, Session Laws of 1909, be, and the same is hereby amended to read as follows:

Section 8784. Any person who, between the first day of December of one year and the first day of October of the following year, wilfully shoots, wounds or kills or causes to be shot, wounded or killed any elk, Rocky Mountain sheep or Rocky Mountain Goat, or who in a single season shall shoot, kill or cause to be shot or killed more than one elk, one grown male (ram) Rocky Mountain Sheep, and one Rocky Mountain goat, shall upon conviction, be punished by imprisonment in the county jail for a period of not less than three months nor more than twelve months, or by a fine of not less than One Hundred ($100) Dollars nor more than One Thousand ($1,000) Dollars, or by both such fine and imprisonment.

Number which one person may kill during one season.

Penalty.

Killing of ewe or lamb Rocky Mountain Sheep forbidden.

It shall be unlawful for any person at any time of year to shoot, kill or wound, or cause to be shot, killed or wounded any Ewe Rocky Mountain Sheep or Lamb, and any person so offending shall upon conviction be subject to the punishment in this Section above prescribed, and any person who shall have in his possession the carcass of any Rocky Mountain Sheep from which the natural evidences of sex have been removed shall be subject to the penalties prescribed in this section.

Penalty.

Removal evidence of sex.

Elk not to be killed before October 1918.

Sec. 2. Any person who wilfully shoots, wounds, or kills, or causes to be shot, wounded or killed any elk before the first day of October, Nineteen Hundred and eighteen, upon conviction thereof shall be punished by a fine of not less than Five Hundred ($500) Dollars nor

Penalty.

HeinOnline -- 1913 45 1913

more than One Thousand ($1000) Dollars, or by imprisonment in the county jail of not less than six months nor more than one year, or by both such fine and imprisonment, provided however that the provisions of this Section shall not apply and be in force during the open season in the following counties and parts of counties in this State: Sweetgrass, Park, Gallatin, Madison, Teton, Flathead, and those portions of Powell and Missoula Counties drained by the South Fork of the Flathead and Swan Rivers respectively; and that portion of Beaverhead County, lying east of the Oregon Short Line Railroad, between the point on said Railroad near Willis P. O., where said Railroad enters said Beaverhead County on the north and the town of Armstead in said county, and also that portion of said Beaverhead County, lying south of the Pittsburg & Gilmore Railroad.

Provisions not to apply to certain sections of state.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Sec. 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 25, 1913.

CHAPTER 34.

"An Act to establish a Game Preserve in the Rocky Mountains, for the protection of game animals and birds, and providing a penalty for killing, hunting or pursuing any such animals or birds in such preserve."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the better protection of game animals and birds, the following area in the Lewis and Clarke National Forest, in the Rocky Mountains, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Sun River Game Preserve, to-wit:

Sun River game preserve.

Boundaries.

Beginning at a point on the Continental Divide of the Rocky Mountains due South of the head or source of the South Fork of the North Fork of Sun River, in what will be Section 8, Township 18 N. of Range 10 W., Montana Meridian, when surveyed, thence due North from the crest of the Continental Divide to the head of the South Fork of the North Fork of Sun River, thence Northerly along and down the course of the South Fork of the North Fork of Sun River, as it winds and turns, to its confluence with the North Fork of the North

HeinOnline -- 1913 46 1913

Fork of Sun River, thence northerly along the course of the North Fork of the North Fork of Sun River as it winds and turns to its head or source, thence due North to the crest of the Continental Divide of the Rocky Mountains, thence along the crest of the Continental Divide of the Rocky Mountains, Southwesterly and Southerly to the place of beginning, intending hereby to include in said Game Preserve all that territory lying between the said South Fork of the North Fork and the said North Fork of the North Fork of Sun River on the East, and the Continental Divide of the Rocky Mountains on the West.

Unlawful to hunt, trap, capture, chase or molest any kind of birds or animals at any time in said preserve, or discharge fire arms therein.

Section 2. It shall be unlawful for any person at any time to hunt, trap, kill, capture, chase or molest any birds or animals of any kind whatever within the limits of said Game Preserve, or to discharge any firearms or to create any unusual disturbances tending to frighten or drive away any game animals or any birds within said preserve; provided, however, that permits to capture animals and birds for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink and other predatory animals or birds may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, or by imprisonment in the County Jail for not less than thirty (30) days or more than six (6) months, or by both such fine and imprisonment.

Permits for certain purposes.

Fees for permits.

Misdemeanors.

Penalty.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 25, 1913.

HeinOnline -- 1913 47 1913

CHAPTER 35.

"An Act limiting the number of licenses which may be issued for sale of intoxicating liquors and regulating the issuance of licenses, and providing for the revocation of license upon conviction of a penal offense; amending Section 3 of Chapter 92 of the laws of the Twelfth Legislative Assembly relating to the issuance of licenses, and adding a Section to said Chapter 92 to be known as Section 3a, providing for a renewal of licenses."

Be it enacted by the Legislative Assembly of the State of Montana:

Liquor license.

Section 1. That it shall be unlawful for any county or city in this State to issue more than one license for every five hundred (500) inhabitants in any city or town to any retail liquor dealer; that is, a person who sells spirituous, malt or fermented liquors, or wine, in less quantities than one quart; provided, that any city or town may issue licenses to two saloons, and provided that the words 'towns' as used in this act shall mean any town or village, whether incorporated or unincorporated.

Limit of number which may be granted.

Retail Liquor dealer defined.

"Town" defined.

Act not to affect present holders of retail liquor licenses or their transferees.

Section 2. This act, in so far as it limits the issuance of licenses for the sale, or the offering for sale, of spirituous, malt or fermented liquors, or wine, shall not affect any person, company or corporation now regularly licensed, nor the party to whom such license may be transferred, to sell, or offer for sale, any spirituous, malt or fermented liquors, or wine, or the re-issuance or transfer of a license to such persons in accordance with existing laws upon this subject.

Licenses for places not within corporate limits of cities and towns.

Section 3. Every person who desires to engage in the business of a retail liquor dealer (that is, a person who sells spirituous, malt or fermented liquors, or wine, in less quantities than one quart) in any place not within the corporate limits of any city or town, must obtain a license from the County Treasurer. Before the County Treasurer shall permit the issuance of such license to any person who makes application for a new license in any village, camp or township and not for the renewal of a present existing license in the same camp, village or township for which application is made, a petition shall first be filed and presented to the Board of County Commissioners of the County where such person intends to engage in such business, outside of the corporate

Obtained from county treasurer.

Treasurer, not to issue licenses before peittion filed and presents to Board of County Commissioners and by them determined.

HeinOnline -- 1913 48 1913

limits of any city or town, signed by at least twenty freeholders residing within a radius of ten miles of the particular village or camp in which such person seeking such license intends to engage in such business, requesting the issuance of such license to such person. Before the Board of County Commissioners may act on any such petition, five days' notice of such application shall be given by the County Clerk and Recorder by posting notices in at least three public places in the village, camp, or township, within which the applicant wishes to locate, and if a protest is filed against the issuance of such license by at least twenty freeholders residing within the particular village, camp or township, the County Commissioners shall appoint a day for the hearing of said application for license and determine whether or not such license shall be issued. From the decision of the Board of County Commissioners the applicant for license or the protestants against the issuance thereof, may appeal to the District Court of said County within thirty days after the decision of the Board of County Commissioners. The appeal shall be taken and heard in the same manner as appeals from justice courts to the District Court, except that the appeal shall be heard if possible within thirty days from the time of filing in the District Court, and the same shall be determined without delay.

Notice of application.

Protest.

Time of hearing.

Appeal of district court.

Time limit.

Hearing of appeal.

Section 3A. Whenever the holder of any retail liquor license shall desire a renewal thereof to conduct such retail liquor business in the same camp, village or township, the County Treasurer shall issue such license without requiring a petition therefor, unless a protest against such issuance shall have been filed. Any person who desires to protest against the re-issuance of a retail liquor license to the holder thereof shall file a protest against such issuance, in writing, signed by at least twenty freeholders residing within the village, camp, or within ten miles thereof, in which the holder of such license has engaged in business, with the Clerk of the Board of County Commissioners on or before the first day of the last regular session of such board preceding the day of the expiration of such license, which date for filing such protest must be at least twenty days previous to the day of the expiration of said license. In case the first day of the regular session aforesaid shall be less than twenty days from the date of the expiration

Removal license to be issued when and by whom.

Protest, renewal of license.

Number of persons required to sign petition and filing thereof.

Must be filed when.

HeinOnline -- 1913 49 1913

of the license, then such protest must be filed at least twenty days before the expiration of the license, and at a regular session of the Board of County Commissioners. Upon the filing of such protest the Board of County Commissioners shall give five days notice to the holder of such license and to at least five of such persons so protesting, specifying the time and place when and where such protest shall be heard, and upon such day the Board shall proceed to hear the same in the manner specified in Section 3 foregoing. Upon such hearing it shall be discretionary with the Board to grant such license or refuse the same. From the decision of the Board of County Commissioners, the holder of the license, or the protestants against the issuance thereof, may appeal to the District Court of said county within thirty days after the decision of the Board of County Commissioners. The appeal shall be taken and heard in the same manner as provided in the Section foregoing. In case the Board of County Commissioners decide that such license may be re-issued by the County Treasurer, he shall re-issue the same and it shall be in force and effect until the decision of the Board of County Commissioners is reversed by the action of the District Court to which said appeal is taken. In every case where a protest is filed the Board of County Commissioners shall proceed to hear and determine the same before the date of the expiration of the license, the reissuance of which is protested against.

Notice and time of hearing protest.

Appeal to the district court.

Reissuing of license and effect pending appeal

Protest must be heard before license expires.

Section 4. That upon a conviction of any person engaged in the business of a retail liquor dealer for a penal offense against the laws of the State of Montana, occurring in the place of business of such person and relating to such business, such person shall be punishable in accordance with existing laws upon the subject, except as hereinafter provided.

Punishment of retail liquor dealers for violating any laws of state.

That upon a second conviction of any person engaged in the business of a retail liquor dealer for a penal offense against the laws of the State of Montana occurring in the place of business of such person, and relating to such business, the license of such person, company or corporation so convicted shall be suspended by virtue of second conviction, and such person, company or corporation shall not be entitled to obtain or hold, in his name or in the name of any other person, company or corporation any license for the sale of any spirituous,

License to be suspended upon second conviction.

Can not hold retail liquor license for three months after second conviction.

HeinOnline -- 1913 50 1913

malt or fermented liquor, or wine, at retail for a period of three (3) months after such conviction; and upon a third conviction shall not be entitled to any license for the sale of spirituous, malt or fermented liquors, or wine, at retail, within the State of Montana. No license after third conviction.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1913.

CHAPTER 36.

"An Act to Provide for a Maximum Rate of interest on loans of Money, Providing a Penalty for Violation thereof; and to Amend Section 5212, Revised Codes of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5212, Revised Codes of the State of Montana of 1907, Be, and the same is, hereby amended to read as follows:

"Section 5212. Parties may agree, in writing, for the payment of any rate of interest not exceeding the rate of Twelve (12%) per cent per annum, and it shall be allowed, according to the terms of the agreement, until the entry of judgment." Interest. Parties may agree to such not exceeding twelve per cent per annum.

Section 2. The taking, receiving, reserving or charging a rate of interest greater than is allowed by the preceding section of this act, shall be deemed a forfeiture of a sum double the amount of interest which the note, bill, or other evidence of debt carries, or which has been agreed to be paid thereon. Penalty for using.

When a greater rate of interest has been paid, the person by whom it has been paid, his heirs, assigns, executors or administrators, may recover from the person, firm or corporation taking, receiving, reserving or charging same, a sum double the amount of the interest so paid; provided, that such action shall be brought within two years after the payment of said interest; and provided, that before any suit may be brought to recover such usurious interest, the party bringing suit must make written demand for return of said interest so paid. Recovery of interest paid exceeding legal limit. Time within which action must be brought.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

HeinOnline -- 1913 51 1913

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 27, 1913.

CHAPTER 37.

"An Act to amend Section 79 of the Revised Codes of Montana of 1907 as amended by Chapter 45, laws of the Eleventh Session of the Legislative Assembly of the State of Montana, relating to the compensation of certain officers and employees of the Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 79 of the Revised Codes of Montana of 1907 as amended by Chapter 45 of the Laws of the Eleventh Session of the Legislative Assembly of the State of Montana, be amended so as to read as follows:

Compensation of officers of Legislature.

Section 79. There must be paid to the Secretary of the Senate, the Chief Clerk of the House of Representatives and the Sergeant-at-Arms of each House, ten dollars per day each; to the Assistant Secretary of the Senate, the Assistant Chief Clerk of the House of Representatives, the Journal Clerk of each House, Engrossing Clerk, Enrolling Clerk, and Assistant Sergeant-at-Arms, eight dollars per day each; to the Bill Clerk, and Assistant Journal Clerk, the Printing Clerk, the Reading Clerk, the Private Secretaries of the President of the Senate and Speaker of the House, the Judiciary Clerk of each House, and the Stenographers to the Chief Clerk and Secretary, and Post Master Joint Assembly, six dollars per day each; to such Committee Clerks, Doorkeepers, Janitors, Watchmen, as each may from time to time be required, and the Chaplain of each House, five dollars per day each; to each page and messenger four dollars per day each.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1913.

HeinOnline -- 1913 52 1913

CHAPTER 38.

"An Act to provide that Aliens shall pay a gun license, and providing a penalty for failure to obtain license; to provide for and regulate the duties of the Game and Fish Warden and his deputies, and to provide for the disposition of the fines so collected."

Be it enacted by the Legislative Assembly of the State of Montana:

Alien gun license.

Section 1. There is hereby created a gun license for aliens. No person not a bona fide citizen of the United States shall own or have in his possession, in the State of Montana, any gun, pistol or other firearm without first having obtained from the Game and Fish Warden a license therefor, which said license shall cost the owner of said firearm the sum of Twenty-five ($25) Dollars, and shall expire one year from date of issuance thereof; provided, however, that this Section shall not apply to one who has obtained the Twenty-five ($25) Dollar hunting license required by the laws of Montana; provided, further, that the provisions of this Section shall not apply to any alien who is a bona fide resident of the State of Montana and the owner of not less than one hundred and sixty acres of land therein, nor shall it apply to any settler on the public lands of the State of Montana who shall have begun to acquire land under the laws of the United States by filing thereon, nor shall it apply to persons engaged in tending or herding sheep or other animals, held in herd.

Obtained from whom.

License for.

Not applicable to holders of alien license.

Other persons excluded from Act.

Aliens having in possession fire arms without a license.

Misdemeanor.

Penalty.

Section 2. Any alien of the United States who shall have in his possession or under his control, any gun, pistol or other firearm without having taken out and being at the time in possession of a license as provided in Section 1 of this Act, shall be guilty of a misdemeanor and be punished by a fine of not less than Twenty-five ($25) Dollars.

Duty of Fish and Game Warden and peace officers.

Sale of captured fire arms.

Section 3. It shall be the duty of the Game and Fish Warden and his duly authorized deputies and of all peace officers in the State of Montana, to search for and take into their possession any gun, pistol or other firearm found in the possession of any alien not entitled to hold or possess same and to sell the same, and all of the provisions of Section 1959 of the Revised Codes of Montana, shall apply to the enforcement of this Act.

Disposition of fines collected.

Section 4. Disposition of Fines. All fines and other moneys collected under the provisions of this Act, when

HeinOnline -- 1913 53 1913

arrest has been made by the Game and Fish Warden and his deputies, shall be paid into the fund known as the "Fish and Game Fund," and all fines and other moneys collected under the provisions of this Act, where the arrest has been made by peace officers, shall be paid into the school fund of the county where said action is tried or arrest made.

Repealing clause.

Section 5. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 6. This Act shall take effect and be in force thirty days after its passage and approval by the Governor.

Approved Feb. 28, 1913.

CHAPTER 39.

"An Act to amend Section 4062 of the Revised Codes of the State of Montana, 1907, as amended by Laws of Montana, 1909, relating to the manner in which Insurance Companies, Associations or partnerships may transact business in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes of 1907, Section 4062, amended.

Section 1. That Section 4062 of the Revised Codes of the State of Montana, 1907, as amended by Laws of Montana, 1909, be, and the same is hereby, amended so as to read as follows:

Foreign Insurance companies.

Section 4062. It shall not be lawful for any insurance company, association or partnership, organized or associated for any of the purposes specified in this chapter, incorporated by, or organized under the laws of any other state, or the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of two hundred thousand dollars of actual paid up Capital, exclusive of any assets of any such company as shall be deposited in any other states or territories, or foreign countries, for the special benefit or security of the insured therein; any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall appoint one attorney in fact in each county in which agencies are established, resident of such county, and shall file with the State Auditor a written instrument, duly signed and sealed authorizing such attorney in fact of such company to acknowledge service of process, for and in behalf of such

Required capital to do business in state.

Shall appoint an attorney-in-fact in each county.

Filing of authority of attorney to acknowledge service.

HeinOnline -- 1913 54 1913

company in the State consenting that such service of process, mesne, or final, upon such attorney shall be taken and held as valid as if served upon the company to the laws of this State, or any other territory or state, and waiving all claim of right or error by reason of such acknowledgment or service, and also that in case of death, absence, or if for any other cause, service of process cannot be made upon the attorney so appointed, service of process may be made on the State Auditor and Insurance Commissioner ex-officio of this State, or his successors in office, with the same power and effect as that served upon such agent; and such power of attorney cannot be revoked or modified (except that a new one may be substituted) so long as any policy or liability remains outstanding against said company in this State. Whenever such lawful process against any insurance company shall be served upon the Commissioner he shall forthwith forward a copy of the process served on him by mail, postpaid, and directed to the secretary of the company, or in case of companies of foreign countries, to the resident manager in this country; and shall also forward a copy thereof to the general agent of said company in this State. Said company shall also file a certified copy of their Charter or deed of settlement, together with a statement under the oath of the president or vice-president, or other chief officer, and the secretary of the company for which they may act, stating the name of the company and the place, where located, the amount of its capital with a detailed statement of the facts and items, as required from companies organized under the laws of this State as per Section 3920 (583) hereof; such statement shall also show to the full satisfaction of the State Auditor and Insurance Commissioner ex-officio that said company, if organized without the United States of America, has deposited in some one of the United States or territories, a sum not less than one hundred thousand dollars for the special benefit or security of the assured therein, and shall file also a copy of the last annual report made under any law of the state, territory or foreign country by which said company was incorporated; and no agent shall be allowed to transact business for any Company whose capital is impaired by the liabilities, as stated in Section 3920 (583) of this Chapter, to the extent of twenty per cent thereof while

When service may be had on State Auditor.

Power of attorney cannot be revoked when.

Duty of commissioner of insurance when process is served upon him.

Must also file certified copies of charter, etc.

What statement must contain.

Copies of annual reports.

Agents shall not transact business when.

HeinOnline -- 1913 55 1913

Capital stock of all Plate Glass, Health, Accident, Livestock, Boiler, Hail and Cyclone insurance company required.

such deficiency shall continue; provided, that any company formed for the purpose of carrying on the business of plate glass, health, accident, livestock, steam boiler, hail and cyclone, credit or other liability insurance, both foreign and domestic, shall have not less than one hundred thousand ($100,000) dollars of capital stock subscribed, fifty per cent of which shall be paid up in cash, and invested as provided by the laws governing the investment of capital stock of fire insurance companies.

Amount of capital to be paid in.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval

Approved Feb. 28, 1913.

CHAPTER 40.

"An Act providing for the appointment of a Commission to participate in the celebration of the Fiftieth Anniversary of the Battle of Gettysburg, and appropriating the sum of Two Thousand Dollars to defray the expense thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Battle of Gettysburg.

Commission to be appointed to celebrate Fiftieth anniversary.

Section 1. That the Governor be, and he is hereby authorized to appoint a commission consisting of twenty honorably discharged veterans of the Civil War, now residing in this State, to participate, representing the State of Montana, in the coming celebration at Gettysburg, Pennsylvania, of the Fiftieth Anniversary of the Battle of Gettysburg, on the First, Second, Third Fourth, Fifth and Sixth days of July, 1913. That the said Commission shall consist of ten veterans who served in the Union armies and ten veterans who served in the Confederate armies, preference being given to such veterans as may have participated on either side, in the Battle of Gettysburg.

Commission shall consist of whom.

Traveling expenses to be paid.

Section 2. That each of the said commissioners so appointed by the Governor, who shall attend and participate in the celebration shall be entitled to receive from the State of Montana, his actual transportation from his residence in the State of Montana, to and from the said City of Gettysburg, Pennsylvania, by the usual traveled route; and the Adjutant General of the State of Montana is hereby authorized to issue transportation to not

Adjutant General to issue transportation.

HeinOnline -- 1913 56 1913

more than twenty of said commissioners, at an expense not to exceed the sum of Two Thousand ($2,000) Dollars.

Section 3. That for the purpose of meeting the expense of the said commissioners, there is hereby appropriated out of any funds in the Treasury of the State of Montana, not otherwise appropriated for the year 1913, the sum of Two Thousand ($2,000) Dollars, or so much thereof as may be necessary. Appropriation.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved Feb. 28, 1913.

CHAPTER 41.

"An Act to amend Section 7891 of the Revised Codes of Montana of 1907, Relating to Witnesses, as Amended by Chapter 66, Session Laws 1909."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7891 of the Revised Codes of Montana of 1907, (Section 3162 of the Code of Civil Procedure of 1895), as amended by Chapter 66 of Session Laws of 1909, be amended so as to read as follows: Revised Codes, 1907, Section 7891 amended.

"Section 7891. The following persons cannot be witnesses: Persons who cannot be witnesses.

1. Those who are of unsound mind at the time of their production for examination. Unsound of mind.

2. Children under ten years of age who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly. Children of defective understanding.

3. Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or proceeding is prosecuted against an executor or administrator upon a claim or demand against the estate of a deceased person, as to the facts of direct transactions or oral communications between the proposed witness and the deceased, excepting when the executor or administrator first introduces evidences thereof, or when it appears to the court that without the testimony of the witness, injustice will be done. In action against executor or administrator of a deceased person on claim against the estate.

4. Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or

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As to direct transactions or oral communications between deceased person or deceased agents of corporation and claimant.

proceeding is prosecuted against any person or corporation, as to the facts of direct transaction or oral communication between the proposed witness and the deceased agent, of such person or corporation, and between such proposed witness and any deceased officer of such corporation."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval

Approved Feb. 28, 1913.

CHAPTER 42.

"An Act to amend Section 2820 and Section 2821 of the Revised Codes of Montana of 1907, altering the boundary lines of Flathead, Missoula and Sanders Counties."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 2820, Revised Codes, 1907.

Section 1. That Section 2820 of the Revised Codes of Montana of 1907, be, and the same is, hereby amended to read as follows:

Flathead County; boundaries of.

Section 2820. Flathead County—That all that portion of the State of Montana embraced within the following boundaries shall be known as and shall be Flathead County, in the State of Montana, to-wit:

Commencing on the 49th parallel of Latitude at a point where the same is intersected by the summit of the Main Range of the Rocky Mountains; thence in a Southerly direction following the summit of said Mountain Range to an intersection with the South line of the North tier of sections of Township Twenty-one North; thence running Westerly along said line to the corner common to sections five, six, seven, and eight in Township Twenty-one North, Range Twenty-three West of the Montana Principle Meridian; thence running North ten miles along the section line situated one mile East of the line dividing Range Twenty-three West and Range Twenty-four West to the Southeast corner of Section eighteen, in Township Twenty-three North, Range Twenty-three West; thence running West along the section line one mile to the Southwest corner of said Section eighteen; thence running North on the Range line to the sixth standard parallel North; thence

HeinOnline -- 1913 58 1913

West and along said parallel to the Southeast corner of Section 31, Township 25 North, Range 27 West; thence North along said Section line to the Southeast corner of Section eighteen, Township Twenty-six North, Range Twenty-six West, thence West one mile to the Southwest corner of said Section 18, thence North to the Northeast corner of Township Twenty-seven North, Range Twenty-seven West; thence West to the Southwest corner of Section thirty-four, in Township Twenty-eight North of Range Twenty-seven West; thence North to the Northwest corner of Section Three in Township Twenty-eight North, Range Twenty-seven West; thence East to the Southeast corner of Township Twenty-nine North, Range Twenty-six West; thence North along the Horse Plains Guide Meridian to the Northeast corner of Township Thirty-two North, Range Twenty-six West; thence West to the Southeast corner of Township Thirty-three North, Range Twenty-six West; thence North along the Horse Plains Guide Meridian to the Northeast corner of Township Thirty-three North, Range Twenty-six West; thence East about Twelve miles to the summit of the watershed dividing the Stillwater River and White Fish Creek; thence in a Northwesterly direction along said watershed to its intersection with the 49th Parallel of Latitude; thence East along said Parallel to the place of beginning.

Amending Section 2821, Revised Codes, 1907.

Section 2. Section 2821 of the Revised Codes of Montana of 1907, be, and the same is, hereby amended to read as follows:

Boundaries of Flathead, Missoula and Sanders Counties.

Section 2821. The boundaries of Flathead, Missoula and Sanders counties are hereby altered so as to conform to the boundaries as established by this Act.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1913.

HeinOnline -- 1913 59 1913

CHAPTER 43.

"An Act providing a summary method for procuring the right to erect a grain ware-house or grain elevator on Railroad Rights of Way."

Be it enacted by the Legislative Assembly of the State of Montana:

Grain elevators; location of on railroad right of way.

Section 1. Any person, firm or corporation desirous of erecting and operating at or contiguous to any railway station or siding a warehouse or elevator for the purchase, sale, shipment or storage of grain (including flax seed) for the public for hire may make application in writing, containing a description of that portion of the right of way of said railroad on which such person, firm or corporation desires to erect a warehouse or elevator, and the size and capacity of the warehouse or elevator proposed to be erected and the time for which it is desired to maintain such warehouse or elevator, to the person, firm or corporation owning, leasing or operating the railroad at such station or siding for the right, privilege and easement of erecting and maintaining for the time stated in such application, and for reasonable compensation for such warehouse or elevator as aforesaid upon the right of way pertaining to such railway at such siding or station and within and between the outside switches of the yard of such railway station or siding and upon paying or securing in the manner hereinafter prescribed reasonable compensation for the right, privilege and easement aforesaid, shall absolutely and unconditionally be entitled to the same. Provided, however, that if the person, firm or corporation owning, leasing or operating the railroad is not willing that the portion of the right of way selected by the applicant should be appropriated for such purpose and the parties cannot agree as to the quantity and location of the land upon which such grain warehouse or grain elevator shall be erected the matter shall be determined by the district court in the same manner and by the same proceeding for determining the amount of compensation to be paid where the parties cannot agree as to the amount.

Written application and contents thereof.

Upon paying compensation shall have absolute right to locate.

In case parties do not agree to location or site.

District court to determine as to quantity and location of land.

Application for site to state what additional matter.

Section 2. The application provided in Section 1 of this act shall also state the amount the applicant deems reasonable compensation for the right, privilege and easement he desires to acquire, and said applicant shall tender and pay to such person, firm or corporation from

HeinOnline -- 1913 60 1913

whom such easement is sought, the sum stated in such application, and in case the amount so named and tendered is not accepted, and the parties cannot agree on the amount to be paid for such right, privilege and easement, the same shall be ascertained, assessed and determined by proceedings in the District Court of the county in which the station or siding at which the right, privilege and easement sought is situated, which court is hereby given full jurisdiction in the premises, and shall at all times be deemed open and in session for the purposes of this article. It shall be the duty of any person, firm or corporation to whom application is made for the right to erect and maintain an elevator or warehouse, under the provisions of this article to within thirty days after the receipt of such application notify said applicant in writing of the acceptance or rejection of the amount stated in said application to be reasonable compensation for the right, privilege and easement sought to be acquired, and in case such person, firm or corporation fails to notify the applicant within said thirty days, such person, firm or corporation shall be deemed to have accepted said amount and upon the payment or tender thereof said applicant shall be deemed to have acquired the right, privilege and easement applied for.

District court has jurisdiction to determine amount of compensation.

Court to be always open in session for purposes of this article.

Railroad to notify applicant within 30 days of acceptance or rejection of application.

Railroad failing to give notice.

Section 3. Proceedings in the District Court shall be instituted and carried on as follows: The parties seeking the right, privilege and easement aforesaid shall present to and file with the district court a petition in writing and under oath, specifying and describing the right, privilege and easement sought, and the time for which the same is sought and the fact that the parties to the proceedings are unable to agree upon the amount of compensation therefor. A copy of the application for such privilege shall be attached to said petition, and thereupon it shall be at once the duty of the court by its order in writing to fix a time, not more than thirty days thereafter within which the said person, firm or corporation so owning, managing or controlling such railroad shall appear and join issue in said proceeding; such notice shall be served as a summons is served in civil actions, and shall be ample notice to the parties so served to appear and join in the proceedings, and shall be ample to give the court full jurisdiction over the party against whom the proceedings are instituted

Proceedings in District Court.

Petition and contents.

Time to be fixed within which issue to be joined.

Service of notice contents of notice.

HeinOnline -- 1913 61 1913

and the property involved in the proceeding. The manner of joining issue and the procedure at the trial shall be the same as that in any other civil action at law.

To expedite trial.

The trial of such issue shall be expedited by the court as much as possible. At the trial the court or jury, as the case may be, shall find and assess the compensation

Findings of court or jury.

both in the form of an annual rental and in the form of a gross sum for the right, privilege and easement sought, and immediately after the finding or verdict has been made, the party against whom the proceedings have been taken shall elect whether to receive the annual rental or the gross sum found, and in case such

Defendant shall elect to accept or reject findings.

election is not made by said party, then the other party to the proceedings may make such election, and after election is made as aforesaid, judgment shall be rendered adjudging, among other things, that upon payment of the gross sum found, or the annual rental found,

Judgment to be for what.

yearly in advance, as the case may be, the party instituting the proceedings shall be entitled to the right,

Right of party instituting proceedings.

privilege and easement of erecting and maintaining the elevator or warehouse asked for in the application and petition aforesaid, and for the time therein specified; and thereupon the party in whose favor said judgment is rendered shall be entitled to a writ of execution in proper form to immediately invest such party with the

Payment of rental.

right, privilege and easement aforesaid. In case the annual rental is elected, the same shall be paid yearly in advance, and if not so paid after thirty days' default,

Failure to pay forfeits right.

the right, privilege and easement aforesaid shall be absolutely forfeited.

Section 4. Within thirty days after the entry of said

Appeal may be taken when.

judgment as hereinbefore provided, but not later, an appeal may be taken by either party to the Supreme Court; but such appeal shall not stay or hinder the

Appeal shall not stay judgment if indemnity bond is given by plaintiff.

use or enjoyment to the fullest extent of the right, privilege and easement asked for by the petition and conferred by the judgment, if the party instituting the proceedings shall make and file a bond with sureties,

Condition of bond.

to be approved by the court in an amount double the gross sum or annual rental, conditioned to pay such sum or rental and to abide and satisfy any judgment the Supreme Court may render in the premises. Costs and

Costs.

disbursements, as in civil actions, in each court, shall be paid by the unsuccessful party. If the finding of the court or jury is for a less or the same amount as ten-

HeinOnline -- 1913 62 1913

dered by the petitioner before instituting the proceedings, then the petitioner shall be deemed the successful party. But if the amount found is larger than the sum tendered, then the petitioner shall be deemed the unsuccessful party. Either party may appeal from that part of the judgment determining the quantity and location of the land upon which such warehouse or elevator is to be erected, and in the event of such appeal the judgment shall be suspended pending the appeal.

Who deemed the unsuccessful party.

Appeal from judgment determining quantity and location of land.

Section 5. All elevators and warehouses erected and maintained under the provisions of this article, shall be deemed public elevators, and public warehouses, and shall be subject to legislative control.

Elevators and warehouses erected under provision of this act deemed public.

Section 6. Any person, firm or corporation availing themselves of the provisions of this act, shall, within sixty days after the amount to be paid for the easement acquired thereunder is finally determined, by agreement or by proceedings in court commence the erection of the warehouse or elevator mentioned in the application, and complete the same within ninety days thereafter, and in case of failure to comply with the provisions of this section, such person or persons shall be deemed to have abandoned the right acquired, and the part or portion of the railroad right of way described in the application shall be subject to selection by other applicants who may desire to avail themselves of the provisions of this act.

When erection of warehouse or elevator to be commenced and completed.

Failure to comply with this section.

Section 7. Every railroad company or corporation organized under the laws of this state, or doing business therein, shall, upon application in writing provide reasonable sidetrack facilities and running connections between its main track and elevators and warehouses upon or contiguous to its right of way at stations; and every such railroad corporation shall permit connections to be made and maintained in a reasonable manner with its side tracks to and from any warehouse or elevator without reference to its size, cost or capacity, where grain is or may be stored; provided, that such railroad company shall not be required to construct or furnish any side tracks except upon its own land or right of way; provided, the reasonable cost of the construction of such side tracks and connections, except the cost of the rails and fastenings, shall be paid by the person or persons for whose benefit such side tracks are provided or connections made; provided, fur-

Duty of railroads to connect warehouses and elevators by sidetracks.

To permit connections with sidetracks.

Railroad not required to construct or furnish sidetracks except upon its own lands.

Cost of sidetracks and connections to be paid by whom.

HeinOnline -- 1913 63 1913

Elevators and warehouses to be constructed when.

ther, that such elevators and warehouses shall not be constructed within one hundred feet of any existing structure, and shall be at safe fire distance from the station buildings and so as not essentially to conflict with the safe and convenient operation of the road; and where stations are ten miles or more apart, the railroad company, when required so to do by the Board of Railroad Commissioners of the State of Montana shall construct and maintain a side track for the use of shippers between such stations.

When sidetracks between stations shall be constructed.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 9. This Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1913.

CHAPTER 44.

"An Act to improve conditions affecting the health of certain workmen engaged in operating street railway cars or trolley cars; and providing for the heating of street car or trolley car vestibules during certain seasons."

Be it enacted by the Legislative Assembly of the State of Montana:

Vestibule of street railroad cars to be heated during months named.

Section 1. From and after November 1st, 1913, it shall be unlawful for any corporation, person, or association, owning or controlling or operating any street railway, electric car or trolley car within the State of Montana, to run or operate its cars in the regular service of carrying passengers, during the months of November, December, January, February and March, without first providing that the vestibule of such cars shall be heated in the same manner as the interior of said cars at all times.

Penalty for failing to comply with provisions of act.

Section 2. Any Corporation, person, or association owning, controlling or operating any street railway, electric, or trolley car, failing to comply with the provisions of this act shall be liable to a fine of ($10.00) dollars, per car for each day operated in violation of the provisions of this Act.

Repealing clause.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 1, 1913.

HeinOnline -- 1913 64 1913

CHAPTER 45.

"An Act to amend Section 5815 of the Revised Codes of Montana, 1907, relating to liens for services of Stallions or Jacks and providing a penalty for the violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 5815, Liens for service of stallion. That Section 5815 of the Revised Codes of Montana, 1907, be, and the same is hereby amended to read as follows:

When service of licensed Stallion shall become a lien on mare and foal.

Section 5815. Whenever the owner or agent of any stallion shall have complied with the provisions of Sections 5813 and 5814 of the Revised Codes of Montana, 1907, and have secured a license from the Stallion Registration Board, the services of such Stallion shall become a lien on each mare served, together with a foal of such mare served from such service in an amount agreed upon between the parties at the time of the service; or if no agreement was entered into by them, in such amount as specified as service fee of Stallion or Stallions in the statement of the owner or agent filed with the county clerk; provided, a notice of lien shall be filed within twelve months after such service; such lien shall terminate at the end of one year from the date of filing notice thereof, unless within that time an action shall be commenced for the enforcement thereof. The owner of any mare so served, or foal of any mare resulting from such service, upon which there exists a lien on file for Stallion service, as herein provided, who shall sell, dispose of, mortgage or otherwise incumber, or conceal such mare or foal, without the written consent of the person or persons having such lien, with the intend to deprive or defraud the owner or holder of such lien of his security had thereby, is guilty of a misdemeanor, and is punishable by a fine of not less than $25.00 and not more than $200.00, or by imprisonment in the County Jail not less than ten days and not more than 90 days, or by both such fine and imprisonment.

Amount of lien.

When notice of lien shall be filed and duration of lien.

Owner, selling, disposing of or concealing mare or foal without consent of lien holder with intent to defraud.

Misdemeanor.

Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 1, 1913.

HeinOnline -- 1913 65 1913

CHAPTER 46.

An Act to fix. define and determine the boundaries of Lincoln County, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Lincoln County.

Sec. 1. That the boundaries of Lincoln County, Montana, be and the same are hereby fixed defined and determined as follows:

Boundaries defined.

Beginning at the S. E. corner of Section 12. Township 26 North Range 27 West Montana Principle Meridian and running thence West about 7 miles on section lines to an intersection with the summit of the water shed dividing the waters flowing into the Kootenai and Clarks Fork of the Columbia Rivers, and commonly designated the Cabinet Range of Mountains; thence first southerly and thence in a westerly and northerly direction along the crest or summit of said water shed to the point of intersection with the State Boundary Line between Montana and Idaho; thence N. along said State Boundary Line to the N. W. corner of Montana; thence E. along the International Boundary Line to the point of intersection with the summit of the water shed dividing the Kootenai and Still Water drainage on the west and the Flathead and Whitefish drainage on the East; thence in a southeasterly direction along the summit of said water shed to the point of intersection of said water shed with the N. Township line of T. 33 N. extended; thence W. along said Township Line about twelve miles to the N. E. corner of T. 33 N. R. 26 W.; thence south along the Horse Plains Guide Meridian to the S. E. corner of T. 33 N. R. 26 W; thence E. to the N. E. corner of T. 32 N. R. 26 W; thence south along the Horse Plains Guide Meridian to the S. E. corner of T. 29 N. R. 26 W; thence W. to the N. W. corner of Sec. 3 T. 28 N. R. 27 W.; thence S. to the S. W. corner of Section 34, T. 28 N. R. 27 W; thence E. to the N. W. corner of Section 6 T. 27 N. R. 26 W; thence S. to the place of beginning.

Boundaries of adjoining counties made to conform.

Sec. 2. That the Boundaries of any and all Counties adjoining or adjacent to the said Lincoln County are hereby changed and altered to conform to the boundaries of Lincoln County as defined by this Act.

Sec. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

HeinOnline -- 1913 66 1913

Sec. 4. This Act shall be in full force and effect from and after its passage.

Approved March 1, 1913.

CHAPTER 47.

"An Act relating to Grain Elevators, Grain Warehouses and Grain Inspection in the State of Montana and elsewhere; fixing fees to be collected as incidental to the main purpose of the Bill as aforesaid and appropriating money to carry forward said main purpose, to-wit: the creation of a Grain Inspection Department in the State."

Be it enacted by the Legislative Assembly of the State of Montana:

State Grain Inspection Department created.

Section 1. A Department of record for the Inspection and weighing of grain is hereby established to be called "The State Grain Inspection Department." Said Department shall have full charge of the inspection and weighing of grain at all public warehouses.

Chief Grain Inspector; appointment of.

Section 2. It shall be the duty of the Governor to appoint a suitable person, to be confirmed by the Senate, who shall be known as the Chief Grain Inspector for the State of Montana, whose term of service shall be designated by the Governor, not exceeding two years, and may be limited by the Governor in his discretion to parts of a year, and who may be removed by the Governor at any time, with or without cause. Said Chief Inspector shall not be interested in buying or selling grain, either on his own account, or for others, nor shall he be directly or indirectly interested in handling or storing grain as a public warehouseman, or on private account during his term of office.

Term of office.

May be removed by the governor at any time.

Qualifications.

Duties.

Section 3. It shall be the duty of the Chief Inspector to have general supervision of the inspection and weighing of grain, as required by this act, or the laws of the State, to supervise the handling, inspecting, weighing and storage of grain; to establish necessary rules and regulations therefor, and for the management of the public warehouses of the State, subject to the approval of the Governor, as such rules and regulations may be necessary to enforce the provisions of this Act, or any laws of this State in regard to the same; to keep proper records of all the inspecting and weighing done into and out of warehouses licensed by law to do business in this State, for which purpose he shall have provided

Rules and regulations.

Records of inspection and weighing.

HeinOnline -- 1913 67 1913

books, blanks and other materials needed in order to keep perfect and proper records. He shall investigate all complaints of fraud or oppression in the grain trade and correct the same, so far as may be in his power.

Complaints of fraud and oppression.

Section 4. The Chief Inspector shall, before entering upon the duties of his office, take the constitutional oath of office. He shall execute a bond to the State of Montana in the penal sum of Ten Thousand Dollars, with sureties, to be approved in the same manner as bonds of other appointive State Officers, conditioned that he will pay all damages to any person or persons who may be injured by reason of his neglect, refusal or failure to comply with the law and the rules and regulations of this Act.

Oath and bond of office.

Conditions of bond.

Section 5. The Chief Inspector shall be authorized to recommend to the Governor a suitable person as supervising inspector in each city, town or place in the State where one or more public warehouses may be doing business under the law, whose duty it shall be to visit at reasonable times the elevators and railroad tracks, supervising all inspections, with a view to securing uniform inspection of grain. The Chief Inspector is also authorized to recommend to the Governor a suitable person as supervising weighmaster in each city, town or place in the State where one or more public warehouses may be doing business under the law, whose duty it shall be to visit at reasonable intervals the elevators and railroad tracks, supervising all weighmasters, inspecting scales, and the loading and unloading of grain, with a view to securing correct weights on all grain weighed by the Department. The Chief Inspector is also authorized to recommend to the Governor suitable and qualified persons as assistant inspectors, and assistant weighmasters, who shall not be interested in any public or private grain warehouse or in the buying or selling of grain, either directly or indirectly, and also such other employees as may be necessary to properly conduct the business of his office; and the Governor is hereby authorized to make such appointments, if found by him to be necessary, and not otherwise.

To recommend to Governor supervising inspectors.

Duties of supervising inspectors.

To recommend to Governor supervising weighmasters in cities, towns, etc.

Duty of weighmasters.

Assistant inspectors and weighmasters.

Other employees.

Section 6. All supervising inspectors, assistant inspectors, and assistant weighmasters shall be under the supervision of the Chief Inspector, to whom they shall report in detail all the services performed by them at such times as may be required by the Chief Inspector;

Chief inspector to have supervision of subordinate officers.

Reports to chief inspector.

HeinOnline -- 1913 68 1913

such assistants to take the same oath as the Chief Inspector, and each shall execute a bond in the sum of Two Thousand Dollars, with like conditions and to be approved in like manner as the bond of the Chief Inspector. Oath and bond.

Section 7. It shall be the duty of the Chief Inspector to furnish any public elevator or warehouse in the State with standard samples of the different grades of grain as established by official inspection, when requested so to do, at the actual cost of such samples. Standard samples of grains to be furnished on request.

Section 8. The fees collectible shall be as follows: For inspecting and sampling each car load of grain; for inspecting out of elevators; for weighing into warehouses, mills or elevators; for weighing out grain that has been previously weighed by the State, where certificates are required; for weighing out where no certificates are required; not to exceed one dollar per car load of grain in any instance; for re-inspecting where the former inspection and grade are sustained, not to exceed one dollar per car; and in all cases where extra samples of car lots of grain inspected are demanded, the charge per each sample shall be twenty-five cents. Inspection fees, weighing, re-inspection, etc.

Provided, further, that whenever track scales are furnished by the elevator or warehouseman suitable for weighing all grain in car load lots, all grain delivered to such elevator or warehouse shall be weighed by the State Grain Inspection Department before the seal of the car in which it is loaded is broken; and thereupon such grain shall be tested, inspected and graded; and after the grain has been removed from such car, the car, shall, by the Department, be inspected, and again weighed. The name and postoffice address of the consignor of such car, when known to the Department, shall within ten hours after inspecting such grain, be mailed or delivered to the consignor, with a statement of the gross weight of such carload of grain, the total net weight of such grain, the test weight per bushel, and the grade of such grain; and for each car so inspected and weighed on such track scales so provided by the elevator or warehouseman, the fee for weighing into the warehouse, mill or elevator, shall not exceed one dollar per car. It is further provided that all grain loaded for shipment shall be weighed at the first track scale enroute, where there is a deputy grain inspector, under the supervision of such grain inspector; the said

Where scales are furnished for weighing in cars.

Inspection and weighing of empty cars.

Information to be mailed to consignor.

Fees for weighing and inspecting when track scales are furnished.

Where grain shall be weighed.

HeinOnline -- 1913 69 1913

Certificate of weight to be furnished shipper and duplicate to be attached to way bill.

grain inspector shall issue a certificate to the shipper, and shall attach a duplicate thereof to the way bill, which certificate, or the duplicate thereof, shall be prima facie evidence of the amount of grain loaded in the car, in all the Courts of this State; fees for such weighing and certificate shall not exceed one dollar per car. The fees collectible where not definitely fixed herein shall be fixed by the Chief Grain Inspector with the approval of the Governor and may be changed and adjusted from time to time as necessity requires.

Prima facie evidence of weight.

When fees may be fixed by chief grain inspector.

Lien of inspection and weighing charges.

Section 9. The charge for inspection and weighing of grain shall be a lien on the grain so inspected and weighed, and whenever such grain is in transit, the said charges shall be treated as advanced charges and shall be collected and paid by the common carrier in whose possession the same is at the time of such inspection and weighing.

Common carrier to collect, when.

Monthly reports of chief inspector.

Section 10. The Chief Inspector of Grain shall, on or before the 10th day of each month, file with the State Auditor a full and detailed report under oath, of the work done by his department for the preceding month, setting forth the number of cars of grain inspected and weighed, and by whom, the number of samples furnished, the amount of revenue collected by himself and assistant inspectors and weighmasters; and the Chief Inspector shall, at the time of filing such report, pay into the State Treasury all moneys received as fees by his department, which shall be credited to the general fund.

Fees to be paid into state treasury.

Office of chief inspector at the capitol.

Section 11. The Chief Inspector shall keep his office at the Capitol building in the City of Helena, and shall receive a monthly salary of one hundred and fifty dollars, and shall be allowed all actual and necessary traveling expenses paid in cash while attending to his official duties; all supervising inspectors, supervising weighmasters, assistant inspectors and assistant weighmasters shall receive a monthly salary of one hundred dollars per month while actually employed, and the Governor may appoint a Secretary of the Department of Grain Inspection, if he deems it necessary, who shall receive a salary of one hundred dollars per month, and be removable at the pleasure of the Governor.

Salary and expenses.

Salaries of supervising and assistant inspectors and weighmasters.

Secretary and salary.

Misdemeanors.

Section 12. Any Chief Inspector, inspector or weighmaster who shall be guilty of neglect of duty, or who shall knowingly or carelessly inspect, grade or weigh

HeinOnline -- 1913 70 1913

any grain improperly, or who shall accept any money or other valuable thing or consideration, directly or indirectly, for any neglect of duty, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars, or imprisoned for not more than six months in the county jail, or shall suffer both such fine and imprisonment.

Penalty.

Section 13. The official inspection or weighing of grain in this State whether into or out of public warehouses or elevators, or in cars, barges, wagons or sacks, arriving at or shipped from points where State Grain Inspection is established, must be performed by such persons as may be duly appointed and qualified according to law, and any person who shall act as official inspector or weigher of grain who has not been first duly appointed and qualified, shall be guilty of a misdemeanor.

Official inspection and weighing to be done only by whom.

Misdemeanor.

Section 14. Any person who shall bribe or offer to bribe any of the officers created under this act shall be deemed guilty of a felony, and shall be punished as provided in Section 8198 Revised Codes.

To bribe or offer to bribe an officer a felony.

Section 15. In case any owner, consignee, or shipper of grain or any warehouse manager, shall be aggrieved by the decision of any inspector or weighmaster, a re-inspection may be called for, or an appeal may be taken to a standing committee of three, which the Chief Inspector shall appoint at every place where State Inspection shall be established. Said Committee shall consist of experienced grain men, and their decision shall be final; Provided that the party appealing shall pay said Committee the sum of two dollars each, per case appealed, before said appeal shall be entertained; and in case said appeal is not sustained, the said six dollars so deposited shall be full compensation for such arbitration. If the appeal is sustained, the appellant shall receive six dollars from the State Treasury, upon an order issued by the State Auditor, upon a voucher in writing by the Chief Inspector.

Re-inspection may be called for or an appeal taken, when.

Standing appeal committees decision.

Fees of committee to be paid in advance.

On successful appeal fees to be returned.

Section 16. Nothing in this Act shall be construed so as to prevent any person from selling grain by sample, regardless of grade; and the provisions of this Act shall not change the liabilities of the warehouseman on grain now in store, nor the inspection thereof, but said inspection shall be had under the same system, or lack of system, under which it was received into store.

Grain may be sold by sample regardless of grade.

Act not to change liability of warehouseman.

HeinOnline -- 1913 71 1913

Attorney General ex-officio attorney for state grain inspector.

Section 17. The Attorney General shall be Ex-Officio Attorney for the State Grain Inspection Department, and shall give all necessary advice to that department. All criminal prosecutions shall be prosecuted in the name of the State of Montana by the proper county attorney.

Criminal prosecutions.

Public warehouses defined.

Section 18. All elevators and warehouses located in the State in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such manner that the identity of the different lots or parcels cannot be accurately preserved, and doing business for a compensation, are hereby declared public warehouses, and the person, firms, associations, or corporations operating or owning the same, or any other person or persons who buy or sell grain in carload lots for shipment are public warehousemen.

Public warehousemen defined.

Public warehouses and warehousemen required to procure licenses.

Section 19. The proprietor, lessee, or manager of any public warehouse, and every public warehouseman, shall be required within sixty days after the passage of this Act, to procure from the Chief Inspector a license to transact business as a public warehouseman, and shall make written application therefor, setting forth therein the name of such warehouse or designation of where he is doing business, and the individual name and post-office addresses of each person interested as owner or principal in the ownership and management of the same; or if owned or managed by a corporation the names and postoffice addresses of the President and Secretary, and said license shall give authority to carry on and conduct the business of a public warehouse in accordance with the laws of the State, and shall be revocable by the Chief Inspector, after approval of his decision by the Attorney General, upon complaint being made in writing, setting forth the particular violation of the law, and upon due notice and hearing and sufficient proof.

Application for license.

License revocable when and how.

Bond of public warehouse.

Section 20. Before receiving a license, every person, company or corporation applying for the same shall file with the Secretary of State a bond to the State of Montana, for the benefit of all persons interested, with sureties to be approved by the Chief Inspector, in the penal sum of not less than ten thousand dollars nor more than one hundred thousand dollars, in the discretion of the Chief Inspector, conditioned upon the

Conditions of.

HeinOnline -- 1913 72 1913

faithful performance of all duties as a public warehouseman and full compliance with all the laws of Montana, enacted or to be enacted in relation thereto. A fee of one dollar shall be paid to the Secretary of State for filing such bond. Provided, that when any person, company or corporation procures a license for more than one warehouse in the State, but one bond shall be required.

Filing fee for bond.

Section 21. Any person who shall transact the business of a public warehouseman, without first procuring a license and filing such bond as hereinbefore provided, or who shall continue to transact any such business after such license has been revoked (save only that he shall be permitted to deliver property previously stored in such warehouse) shall be deemed guilty of a misdemeanor.

Misdemeanor to transact business of public warehouseman without a license and giving bond.

Section 22. It shall be the duty of every public warehouseman wherever inspection and weighing is or shall be established, to receive for storage any grain, dry and suitable for warehousing, that may be tendered to him in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination in the persons desiring to avail themselves of warehouse facilities; such grain to be in all cases inspected, weighed and graded by a duly authorized inspector and weigher (but to be stored with grain of a similar grade), and all grain delivered from such warehouse shall be inspected and weighed on its delivery by a duly authorized inspector and weigher of grain, if one has been appointed at said place. Nothing in this section shall be construed to require the receipt of any kind of grain into a warehouse in which there is not sufficient room to accommodate it or store it properly, or in cases where such warehouse is necessarily closed. The charge for inspection and weighing upon receipt and delivery shall be paid by the warehouseman and may be added to the charge of the storage. The Chief Inspector may recover such charges of the warehouseman by an appropriate action in his own name.

Duty to receive grain in usual course of business without discrimination.

Grain shall be inspected, weighed and graded by duly authorized inspector and weigher.

Not to be construed to require receipt of any kind of grain when there is not proper storage room or warehouse is necessarily closed.

Charges for inspection and weighing to be paid by warehouseman.

Section 23. Upon the application of the owner or consignee of grain stored in any public warehouse, the same being accompanied by evidence that all transportation and other charges which might be a lien upon the grain, including the charge for freight, inspection and

Warehouse receipts to be issued when.

HeinOnline -- 1913 73 1913

Warehouse receipts: statement and contents of.

weighing, having been paid, the warehouseman shall issue to the person entitled to receive it, warehouse receipt therefor, subject to the order of the owner or consignee of it, which receipt shall bear date corresponding with the date of receipt of the grain for storage, and shall state upon its face the quality and respective grade of grain, and that the grain mentioned in it has been received in store, to be stored with grain of the same grade by inspection, and that the grain mentioned therein is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued, and the payment of the proper charges for storage and handling.

Warehouse receipts to be consecutively numbered.

Section 24. All warehouse receipts for grain issued by the same warehouse shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same warehouse during any one year, except in the case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original and shall be plainly marked on its face "duplicate." If the grain was received from railroad cars, the number of each car shall be stated on the receipt, with the amount that it contained, if from barges or other vessels, the name of such craft; if from team or other means, the manner of its receipt shall be stated on its face.

Lost or destroyed receipts.

Numbers of car to be stated on receipts.

When receipts to be marked "Cancelled."

Section 25. Upon the delivery of grain from store, upon receipt, such receipt shall be plainly marked "Cancelled" upon its face, with the name of the person cancelling the same, and thereafter be void, and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt. No warehouse receipt shall be delivered except upon an actual delivery of grain into store into the warehouse from which it purports to be issued, and which is to be represented by the receipt. Nor shall any receipt be issued for a greater quantity of grain than was contained in the lot so received, nor shall more than one receipt be issued for the same lot of grain, except in cases where a receipt for a part of a lot is requested, and then the aggregate receipt for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of the store and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the same

Receipts shall not be delivered until when.

Regulating issuing of receipts.

Partial delivery of grain stored.

New receipts.

HeinOnline -- 1913 74 1913

date as the original, and shall state on its face that it is balance of receipt of the original number; and the receipt upon which a part has been delivered shall be cancelled in the same manner as if all had been delivered. In case it is desired to divide one receipt into two or more, or to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt or receipts shall be cancelled the same as if the grain had been delivered from the store, and the new receipt or receipts shall express on their face that they are a part of another receipt, or consolidation of other receipts, as the case may be, and the number of the original receipt shall appear on the new ones issued as explanatory of the change; but no consolidation of receipts differing more than ten days in date shall be permitted. All new receipts issued for old ones cancelled shall bear the same date as those originally issued.

Cancellation.

Consolidating and dividing receipts.

Statement in substituted receipts.

Section 26. No warehouseman shall insert in any receipt any language limiting or modifying his liabilities or responsibilities as imposed by law.

Legal responsibility not to be altered by statement on receipts.

Section 27. On the return of any warehouse receipt properly endorsed, and the tender of all proper charges upon the property represented by it, such property shall be immediately delivered to the holder of such receipt, either at the elevator where originally stored or at a terminal point designated by the owner or consignee, and shall not be subject to any further charges for storage, after demand for such delivery has been made; and the property represented by such receipt shall be delivered within forty-eight hours after such demand shall have been made, and the cars or vessels for transportation shall have been furnished. The warehouseman on default shall be liable to the owner of such receipt for damages occasioned by such default; Provided; No warehouseman shall be held to be in default if the property is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify; but no grain shall be delivered from store or warehouse until the receipt for the same has been actually returned.

Grains to be delivered upon surrender of receipt when and where.

Liability of non-complying warehouseman.

Proviso.

Section 28. It shall be the duty of every owner, lessee, and manager of every public warehouse and of every public warehouseman in this State to furnish in writing, under oath, at such times as the Chief Inspector shall require a statement concerning the condition and

Statements by warehousemen, owners, etc., on demand of chief grain inspector.

HeinOnline -- 1913 75 1913

management of the business of such public warehouse or warehouseman.

Records to be kept by warehousemen.

Section 29. The manager of every public warehouse where inspection and weighing are, or shall be established, shall keep a record of the amount of each kind and grade of grain received in store at such warehouse for which receipts have been issued and what warehouse receipts upon which the grain has been delivered have been cancelled, giving the number of each receipt, and the amount, kind and grade of grain received and shipped upon each; also how much grains, if any, was delivered and shipped, and the kind, for which warehouse receipts have not been issued, the aggregate of such reported cancellation and delivery of unreceipted grain corresponding in amount, kind and grade with the amount so reported delivered and shipped. He shall also keep a record of what receipts have been cancelled, and new ones issued in their stead, and shall furnish the Chief Inspector, on demand, any information regarding the receipts issued or cancelled that may be necessary for him to keep such official records as he may deem advisable.

Record of warehouse receipts issued and cancelled.

Examination of property stored by owners, etc., and facilities to be furnished.

Section 30. All persons owning property or who may be interested in the same, in any public warehouse, and all duly authorized inspectors of such property shall at all times during ordinary business hours, be at liberty to examine any and all property stored in any public warehouse, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants for an examination. All scales used for weighing shall be subject to examination and test by any duly authorized inspector, weighmaster or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose property has been, or is to be weighed on such scales, and the fee for such test shall be paid by the parties making such demand, if the scales are found correct, and by the warehouse proprietor if found incorrect. Any warehouse continuing to use scales found to be in an imperfect or incorrect condition by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be guilty of a misdemeanor.

Scales to be subject to examination and test.

Payment of fees for scale tests.

Use of defective scales.

Section 31. In case any owner or consignee of grain for which a warehouse receipt has not been delivered

HeinOnline -- 1913 76 1913

shall be dissatisfied with the inspection or grade of any lot of grain, or shall, from any cause, desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into public warehouse (whether the property may have been previously consigned to such warehouse or not) by giving notice to the person or corporation in possession thereof, and such grain may be withheld from going into store and be delivered to him, subject only to such proper charges as may be a lien upon it prior to such notice; the grain in railroad cars to be removed therefrom by such owner or consignee within twenty-four hours after such notice has been given to the railroad company having it in possession. Provided, such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to receive his grain shall be guilty of conversion and shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any public warehouse into which it would otherwise have been delivered, and if after such notice it be taken into store in such warehouse, the owner or manager thereof shall be liable to the owner of such grain for double its value.

Before warehouse receipt issues owner may withdraw grain when.

Duty of railroad in placing cars for dissatisfied shipper.

Liability of warehouseman for storing grain after notice of withdrawal.

Section 32. It shall be unlawful for any owner, lessee, or manager of any public warehouse or any public warehouseman to enter into any contract, agreement, understanding or combination with any railroad company, or other corporation, or any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any purpose contrary to the directions of the owner, his agent or consignee, and such unlawful act is hereby declared to be a misdemeanor.

Agreement between railroad and warehouseman contrary to directions of shipper.

Section 33. The owner, operator or manager of every public warehouse shall be required, during the first week of July of each year, to publish in one or more of the newspapers (daily newspaper if there is such) published in the city or village or in the newspaper published at the county seat of the county in which such warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse dur-

Table and schedule of rates to be published annually by warehouseman.

HeinOnline -- 1913 77 1913

Charges for storage fixed.

ing the ensuing year, which rates shall not be increased during such year. The charges for storage and handling of grain, except flax, including the cost of receiving, elevating, insuring and delivery, shall be, for the first fifteen days, or part thereof two cents per bushel; and for each fifteen days or part thereof; after the first fifteen days, one-half cent per bushel; and for continuous storage between the fifteenth day of November and the fifteenth day of May following, not more than four cents per bushel. The charge for cleaning, when cleaned at request of owner, shall be one-cent per bushel. The rates for receiving, elevating, insuring and delivering and fifteen days storage of flax shall be four cents per bushel, and for cleaning flax two cents per bushel.

Cleaning charges fixed.

Warehouseman insures against fire.

When responsible for heating of grain.

Order in which grain is to be disposed or shipped by warehouseman. Grain out of condition.

Section 34. Public warehousemen shall be held responsible for any loss or damage to property by fire while in their custody; but no warehouseman shall be liable for damage to grain by heating unless such heating was caused by a want of ordinary care on his part. In order that no injustice may result to any person, it shall be the duty of such warehouseman to dispose of, by delivery or shipping in the ordinary and usual manner of so delivering, that grain of any particular grade which was first received by him, or which has been for the longest time in store in his warehouse; and unless the public notice hereinafter provided has been given, that some portion of the grain in his warehouse is out of condition, or is becoming so, such warehouseman shall deliver grain of quality equal to that delivered to him, on all receipts as presented. In case, however, any warehouseman shall discover that any portion of the grain in his warehouse is out of condition, or becoming so, and it is not in his power to preserve the same, he shall immediately give notice to the owner, if known, and if not known, by public notice by advertising in a newspaper in or nearest to the place where his warehouse is situated, and by posting a notice in the most public place, for that purpose, in said city, town or village, of its actual condition, as near as he can ascertain. He shall state in such notice the kind and grade of grain and the bin in which it is stored, and shall also state the receipts outstanding upon which such grain will be delivered, giving the number, amount and date of each, which receipts shall be those of the oldest dates and numbers then in cir-

Equal quality to be delivered.

Notice of grain out of condition.

Contents of notice.

HeinOnline -- 1913 78 1913

culation or uncancelled, the grain represented but which has not been previously declared or receipted for as out of condition; or if the grain longest in store has not been receipted for, he shall so state, and shall give the name of the party for whom such grain was stored, the date it was received, and the amount of it; and the enumeration of receipts and the identification of grain so discredited shall embrace as near as may be as great a quantity of grain as is contained in such bins; and such grain shall be delivered upon return and cancellation of such receipts, and the unreceipted grain upon the request of the owner or person in charge thereof. Nothing herein contained shall be held to relieve the said warehouseman from exercising proper care in preserving such grain after such publication of its condition; but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. Any warehouse man guilty of any act or neglect, the effect of which is to depreciate property in his warehouse shall be held responsible therefor to the person damaged thereby, and the bond of such warehouseman shall be held for all damages so occasioned. Nothing in this Section shall be construed so as to permit any warehouseman to deliver any grain stored in a special bin, or by itself, to any but the owners of the lot whether the same be represented by a warehouse receipt, or otherwise. In case the grain declared out of condition, as herein provided, shall not be removed from store by the owner thereof within thirty days from the date of publication of the notice of its being out of condition it shall be lawful for the warehouseman to sell the same at public auction for account of the owner by giving ten days' public notice by advertisement in a newspaper (a daily newspaper if there is such) published in the city or town where such warehouse is located.

Duty to care for grain described in notice.

Responsibility for negligence.

Shall deliver only to owner.

When grain out of condition may be sold

Section 35. It shall be the duty of the Governor to appoint three suitable persons to be known as the "Grain Grading Commission" who shall, each year on a date to be annually fixed by the Chief Grain Inspector, establish a grade for all kinds of grain brought or handled in this State, which shall be known as "Montana Grades." The Grain Grading Commission shall elect one of its members clerk whose duty it shall be

Grain grading commissioners.

Duties.

Establishing grades.

HeinOnline -- 1913 79 1913

Publication of notice of meeting.

to record its work and keep its books. The Grain Grading Commission shall publish a notice in at least two newspapers in the state, one of which, if possible, shall be an agricultural or milling or grain trade journal, for three consecutive insertions, of their intentions to meet for the purpose indicated in this Act, so that interested parties may be present if desired; and the grades so established shall be published in three newspapers in the State, two of which shall be agricultural, and one grain trade, if possible, for three consecutive insertions.

Publication of grades.

Compensation and expenses.

The compensation of such commissioners shall be one hundred dollars per annum and actual expenses to and from their place of meeting, and while in session. No commissioner shall receive or ride upon a railroad pass. The term of office of the commissioners shall be two years.

Statement of weights to owners and shippers.

Section 36. Any shipper of grain which has been weighed by the grain inspection department shall on request in writing to the Chief Inspector, enclosing a stamp for reply, receive a statement of the weight of such grain, free of charge. Provided, that such written request shall state the number and initials of the car or cars, the weights of which are so desired.

Number of inspectors who may be appointed for terminal and shipping points outside of the state.

Section 37. The Governor is hereby given authority to appoint any number of inspectors, not exceeding three, which, in his judgment may be necessary, to be and remain at such terminals and receiving points outside of the State, as may be necessary to protect the interest of the grain raisers and shippers of the State.

Compensation and term.

These inspectors shall receive one hundred and twenty-five dollars per month for their service, and shall be appointed for a limited number of months in each year in the discretion of the Governor, who may remove them at pleasure.

Not state officers.

They are not state officers, but merely employees of the state, and need not be residents of Montana, unless the Governor shall so elect.

Rules and regulations for.

The Governor shall formulate rules and regulations for their guidance, so as to protect the grain interests of this state.

When delivery to a warehouse is a bailment.

Section 38. Whenever any grain shall be delivered at a warehouse and the receipt issued therefor provides for the delivery of a like amount and grade to the owner or holder in return, such delivery shall be considered in law a bailment, and not a sale.

Section 39. The Governor shall by proclamation

HeinOnline -- 1913 80 1913

establish points in this State where grain inspection shall take place, as many as he deems necessary. Governor to fix grain inspection places.

Section 40. For the purpose of carrying out the provisions of this Act the sum of five thousand dollars, or such part thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated. Appropriation.

Section 41. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 42. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1913.

CHAPTER 48.

"An Act to amend Sub-Section 7 of Section 6825 of the Revised Codes of Montana, of 1907, relating to the exemption of earnings for personal services of judgment debtors, who are heads of families."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sub-Section 7 of Section 6825 of the Revised Codes of Montana, of 1907, be amended so as to read as follows:

"The earnings of the Judgment Debtor for his personal services rendered at any time within forty-five days next preceding the levy of execution or attachment, when it appears by the Debtor's affidavit or otherwise that such earnings are necessary for the use of his family, supported in whole or in part by his labor; but where debts are incurred by any such person or his wife or family for the common necessaries of life, then the one-half of such earnings above mentioned are nevertheless subject to execution, garnishment and attachment, to satisfy debts so incurred. The words 'his family' as used herein, are to be construed with the words 'head of family' as used in Section 4718 (1694) of the Civil Code." When earnings of judgment debtor are exempt from execution. Debts incurred for common necessaries. "His family" defined.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1913.

HeinOnline -- 1913 81 1913

CHAPTER 49.

"An Act Providing for Registration of Names for Farms and Ranches within this State and Providing for the Payment of Fees Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Registration of the name of farms or ranches.

Section 1. The owner of any farm or ranch in the State of Montana may, upon the payment of One ($1.00) Dollar to the County Clerk and Recorder in the county in which the farm or ranch may be situated, have the name of such farm or ranch entered and recorded in a register, which the County Clerk and Recorder shall keep for such purpose, and thereupon such owner shall be, by said Clerk and Recorder, furnished a certificate issued under the seal of said official, setting forth therein the name and location of the farm or ranch and the name of such owner, provided, that when any name shall have been recorded as hereinbefore provided, any other person or persons shall not have the right to use the same name for any other farm or ranch in the same county except by prefixing or adding thereto designating or other identifying words.

Certificate of registration.

Name shall not be used by any other person in same county.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1913.

CHAPTER 50.

"An Act to establish a Board of Examiners for Nurses; Providing that the Governor may issue a License or Certificate of Registration to Persons Engaged in the Profession of Nursing the Sick, and Fixing Penalties for any Violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Nurses of sick.

Governor to issue licenses to whom.

Section 1. The Governor of the State of Montana shall have the power, and it shall be his duty, to issue a license or certificate of registration to any person practicing the profession of nursing the sick, upon the recommendation of the Board of Examiners for Nurses, said Board to be appointed as hereinafter provided for.

Board of examiners for nurses to be appointed by Governor.

Section 2. The Governor of the State of Montana shall, within ninety days after the passage and approval of this Act, designate and appoint five persons who shall constitute the Board of Examiners for Nurses.

HeinOnline -- 1913 82 1913

Said Board shall consist of five members, and shall be appointed by the Governor from the membership of the Montana State Association of Graduated Nurses. The first board shall hold office during the following terms:

Number and from whom to be appointed.

One member for the period of one year.

Two members for the period of two years.

Term of office.

Two members for the period of three years, and the members and the terms thereof to be designated by the Governor.

Section 3. Subsequent to the organization of State Board of Examiners for Nurses, the Governor of the State of Montana shall fill all vacancies and shall perpetuate said Board by the appointment of members thereof, which members for appointment shall be selected from persons who are registered nurses under the provisions of this Act, and who shall be actual residents of the State of Montana for a period of at least one year immediately preceding the date of appointment and who have actively engaged in the profession of nursing for five years prior to such appointment, and there shall be at all times at least two members of said Board who shall have had at least two years experience in educational work among nurses, or who have had two or more years experience in the instruction of nurses in training schools.

Vacancies to be filled and board perpetuated.

Members to be selected from among whom.

Qualification of members.

The terms for which said members shall be appointed shall be for three years, except those first appointed and those to fill unexpired terms.

Term of subsequent appointees.

Section 4. The members of the Board shall immediately after their appointment meet at the City of Helena for the purpose of organizing said Board, and shall elect one of their number President, and shall elect one of their number Secretary, who shall also act as Treasurer of the Board. The Board shall adopt a seal which shall remain in the custody of the Secretary; the Secretary shall keep the records and minutes of the meeting of the Board, and shall record in a suitable book the names of all the nurses and training schools registered under this Act. The President and Secretary of said Board shall hold office for the period of one year, and until their successors are appointed and qualified. The salary of the Secretary shall be settled and fixed by the Board. The other members

Place and time of meeting for organizing

Officers.

Seal.

Duties of secretary.

Term of office of president and secretary.

Salary of secretary.

HeinOnline -- 1913 83 1913

Compensation of members.

of the Board shall receive Ten ($10) Dollars per day while actually engaged in attendance upon meetings of said Board. This shall be in full for their expenses, same to be paid from the funds in the hands of the Treasurer of the Board, no charge or expense of any kind shall ever become a charge against the State Treasury.

State not responsible for charges or expenses.

Inspector of training schools.

The President shall act as Inspector of training schools for nurses.

Subjects upon which examinations shall be had.

Section 5. Said Board shall provide a schedule of the subjects upon which applicants shall be examined to qualify for registration under this Act, which subjects shall include elementary anatomy, physiology, medicine, obstetrics, gynecology, surgery, dietetics, home sanitation and nursing.

Duty of president as inspector of training schools.

Section 6. The President acting as Inspector of training schools shall inspect all training schools for nurses in the State of Montana, and shall report to the Board and the Governor such training schools as shall provide courses of instruction in the subjects required by the Board. The Secretary shall enter in the register kept for this purpose the names of all nurses who are entitled to registration under the provisions of this Act. The schools so registered shall be required to pay to the Secretary of the Board a fee of Twenty-five ($25) Dollars upon registration.

Record of names of those entitled to registration.

Fee to be paid by schools upon registration.

Board shall adopt and may change rules of examinations.

Section 7. The Board shall adopt rules which may be changed from time to time for the examination of applicants for registration under this Act, and the Board shall meet not less than once each year for the purpose of conducting examinations for applicants for registration. The time and place of meeting of said Board shall be advertised in the public press, and notice shall be sent to each training school registered under this Act, to each regularly organized association of nurses within the State, to at least one journal of nursing, and notice shall be mailed to each person who has made application for examination under the Provisions of this Act, at least thirty days prior to said meeting; at such meeting it shall be the duty of the Board to examine all persons who are applicants for registration under this Act, and to recommend to the Governor each duly qualified applicant who shall have successfully passed said examination.

Meetings for examination.

Notice and publication of meetings.

All applicants to be examined.

Section 8. Every person to whom a certificate of

HeinOnline -- 1913 84 1913

registration shall have been issued shall, within thirty days thereafter, cause the same to be recorded in the office of the County Clerk of the County in which such person resides, and all such persons shall, when changing the County of their residence within the State, cause said certificate to be recorded in the office of the County Clerk, within thirty days after acquiring residence in said new county, and it is further provided that no County Clerk of this State shall demand or receive any fee or compensation for filing, recording, making certified copy of nurse's certificate, or affixing seal to certificate.

Certificates of registration to be recorded in county recorder's office.

Certificates to be recorded in county to which residence is removed.

County clerk not to charge fees.

Section 9. All applicants for registration under the provisions of this Act shall furnish satisfactory evidence that he, or she, is at least twenty-two years of age, of good moral character, and has been graduated from the training school of nurses connected with a general hospital approved by the Board, where a systematic course of at least two years instruction is given, except in the cases hereinafter provided for; and all persons registered under the provisions of this Act shall pay to the Secretary of said Board, a registration fee of Ten ($10) Dollars.

Evidence of qualifications of applicant for examination.

Registration fee of nurses.

Section 10. Any person of the required age who has pursued as a business the vocation of nursing for a period of not less than five years prior to the passage of this Act, and who presents to the Board a certificate that he, or she, is a competent person to give efficient care to the sick, said certificate being signed by one licensed physician in the active practice of the profession of medicine, and two registered nurses provided for by this Act, may register after taking and passing an examination given by the said Board at any time within two years following the passage of this Act. Any person who shall have graduated prior to July 1st, 1917, and after January 1st, 1890, from a reputable training school for nurses connected with a general hospital which now gives a course of at least two years training, and who shall graduate therefrom, shall be entitled to registration under the provisions of this Act upon payment of the fee therefor, without examination. And any person who shall have graduated from a training school approved by the Board, connected with a special hospital requiring a systematic course of at least two years training, and who at the

Persons possessing certain qualifications may register after taking examination.

Persons who may register without taking examination.

Persons graduates of training schools, who, after taking an examination on specified subjects, may register.

HeinOnline -- 1913 85 1913

time of application shall have obtained in a reputable general hospital one year's additional training in subjects not adequately taught in the training school from which they were graduated, and who shall pass an examination by the Board in these additional subjects not adequately taught in the training school from which they were graduated, shall be entitled to registration on the payment of the regular fee, without examination.

Licenses to be issued to registered nurses of states having equivalent requirements.

The Governor may issue a certificate to any person registered under the law of any State having the requirements equivalent to those of Montana, the Board and the Governor to be the sole judges thereof.

Appeal to Montana State Association of Graduated Nurses.

Section 11. Any person who makes application to the Board for examination for registration, having the required qualifications as hereinafter provided for, and who shall not pass said examination, or any person registered in any other state who shall be refused registration by the Board without examination as provided for in this Act, may appeal to the Montana State Association of Graduated Nurses, at the first annual meeting thereafter, and shall abide by the majority vote of said Association after a full hearing thereon.

All applicants after July 1st, 1917, must be examined.

Section 12. On and after July 1st, 1917, all applicants for certificates of registration under the provisions of this Act, shall pass the examination required by the Board before receiving a certificate of registration.

Unlawful to practice as a trained, graduated or registered nurse without a certificate.

Section 13. It shall be unlawful hereafter, for any person to practice nursing as a trained, graduated, or registered nurse, without a certificate as herein provided for.

Misdemeanor to practice or hold oneself out as a registered nurse, when.

Any person who shall assume a title indicating that said person is a registered nurse, or who shall hold himself, or herself, out to be a registered nurse, and who shall not be registered in accordance with the provisions of this Act shall be guilty of a misdemeanor and upon conviction hereof, shall be fined for the first offense, not less than Ten ($10) Dollars, nor more than One Hundred ($100) Dollars, and for each subsequent offense, not less than Two Hundred ($200) Dollars, nor more than Five Hundred Dollars.

Penalty.

How Act shall not be construed.

This Act shall not be construed as conferring any authority to practice medicine, or undertake the treatment of disease, in violation of the Medical Practice Act of the State of Montana, or to affect or apply to

HeinOnline -- 1913 86 1913

the gratuitous nursing of the sick by friends or members of the family, nor to any person nursing the sick for hire who does not in any way assume or pretend to have special training in the profession of nursing, and who also does not pretend to be a registered nurse.

Certificate may be revoked when.

Section 15. The Governor may, upon recommendation by the Board, revoke any certificate previously issued to the holder thereof, after a hearing by the full Board on charges made by any licensed physician in the active practice of his profession, or upon charges made by the registered nurse charging dishonesty, gross incompetence, a habit rendering a nurse unsafe or unfit to care for the sick, or any conduct or act derogatory to the morals or standing of the profession of nursing, or any wilful fraud or misrepresentation practiced in securing such certificate.

Notice to person charged under this section.

The person so charged under this Section shall be given at least thirty days' notice in writing of the specific charge against him, or her, and of the time and place of hearing said charge by the Board, at which time and place such person shall be entitled to appear and to be represented by counsel.

Effect of revoking certificate.

Upon the revocation of any certificate heretofore issued, the same shall be null and void, and the Secretary shall take the name of the holder thereof from the roll of registered nurses, and shall give notice to each County Clerk within the state where said certificate may have been registered,

Duty of secretary.

of the revocation thereof, and it shall be the duty of such County Clerk to note upon such record the fact that such certificate has been revoked and the date of revocation.

Duty of county clerk.

Section 16. This Act shall be in full force and effect from and after its passage and approval.

Section 17. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3, 1913.

CHAPTER 51.

"An Act to Provide an Executive Residence for the Governor of Montana: To Provide for the Furnishing and Maintenance of the Same and to Appropriate Money for All of Said Purposes."

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1. The State Furnishing Board is hereby

HeinOnline -- 1913 87 1913

Executive residence.

authorized and directed to provide an executive residence in the City of Helena, for the use of the Governor of the State. Said residence to be secured by purchase or otherwise as may seem best to said board.

Appropriation for residence.

Sec. 2. For the purpose of carrying out the provisions of Sec. 1 of this Act there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Thirty Thousand Dollars ($30,000.00) or so much thereof as may be necessary.

Appropriation for furnishing and maintaining.

Sec. 3. For the purpose of furnishing and maintaining said residence and accessories there is hereby appropriated for the year 1913 the sum of Five Thousand ($5,000) Dollars, and for the year 1914 the sum of Two Thousand Five Hundred ($2,500) Dollars, all of said sums to be expended under the direction of the State Furnishing Board in like manner as other State expenditures.

Repealing clause.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 5. This Act shall be in force from and after the passage and approval.

Approved March 4, 1913.

CHAPTER 52.

An Act making the Board of Railroad Commissioners of the State of Montana Ex-Officio a Public Service Commission for the Regulation and Control of Certain Public Utilities, Prescribing the manner in which such Public Utilities shall be regulated and controlled, requiring such Public Utilities to furnish reasonably adequate service and facilities. Prohibiting unjust and unreasonable charges for services rendered by such Public Utilities, Providing Penalties for Violation of the Provisions of this Act, Authorizing such Public Service Commission to appoint an expert engineer and to employ Clerks and Assistants and Making an Appropriation for carrying out the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Public Service Commission created.

Section 1. A public Service Commission is hereby created, whose duty it shall be to supervise and regulate the operations of the Public Utilities hereinafter

HeinOnline -- 1913 88 1913

named, such supervision and regulation to be in conformity with this Act.

Board of railroad commissioners to be ex-officio the "Public Service Commission of Montana." Seal.

Section 2. The Board of Railroad Commissioners of the State of Montana shall be ex-officio, the Public Service Commission hereby created, and for the purposes of this Act shall be known and styled "Public Service Commission of Montana." It shall provide itself with a seal bearing these words, by which its official acts shall be authenticated in all cases where a seal is required; and in the name as above set forth, it may sue and be sued in the courts of the State and of the United States. The Secretary of the Railroad Commission of Montana shall act as Secretary of the Commission hereby created, but the business of the Public Service Commission shall be kept entirely separate from that of the Railroad Commission.

May sue and be sued in what name.

Secretary.

Business of the two commissions to be kept separately.

"Public Utility" defined.

Section 3. The term "Public Utility," within the meaning of this Act shall embrace every corporation, both public and private, company, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, that now or hereafter may own, operate or control any plant or equipment, or any part of a plant or equipment within the State for the production, delivery or furnishing for or to other persons, firms, associations, or corporations, private or municipal, heat, street railway service, light, power in any form or by any agency, water for business, manufacturing, household use, or sewerage service whether within the limits of municipalities, towns and villages, or elsewhere; telegraph or telephone service, and the Public Service Commission is hereby invested with full power of supervision, regulation and control of such utilities, subject to the provisions of this Act and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village.

Commission invested with full power of supervision to the exclusion of municipalities.

Power to prescribe rules of procedure.

Section 4. In addition to the modes of procedure hereinafter prescribed in particular cases and classes of cases, said Commission shall have power to prescribe rules of procedure, and to do all things necessary and convenient in the exercise of the powers by this Act conferred upon the Commission; provided, that nothing in this Act shall be construed as vesting judicial powers on said Commission, or as denying to any person, firm, association, corporation, municipality, county, town or village the right to test in court of competent juris-

Act does not vest judicial power in the commission.

HeinOnline -- 1913 89 1913

diction, the legality or reasonableness of any fixed order made by the Commission in the exercise of its duties or powers.

Public utilities required to furnish what.

Section 5. Every Public Utility is required to furnish reasonably adequate service and facilities. The charge made by any Public Utility for any heat, light power, water telegraph or telephone service, produced, transmitted, delivered or furnished, or for any service to be rendered as, or in connection with any Public Utility shall be reasonable and just, and every unjust and unreasonable charge is prohibited and declared unlawful.

Reasonable charges required of all public utilities.

Power of commission to investigate and ascertain property values.

Section 6. The Commission may, in its discretion, investigate and ascertain the value of the property of every Public Utility actually used and useful for the convenience of the public. In making such investigation the Commission may avail itself of all information contained in the assessment rolls of various counties, and the public records of the various branches of the State government or any other information obtainable, and the Commission may at any time of its own initiative make a revaluation of such property.

Uniform accounts to be furnished commission.

Section 7. (a) Every Public Utility shall keep and render to the Commission in the manner and form prescribed by the Commission, uniform accounts of all business transacted.

Separate accounts of each business engaged in.

(b) Every Public Utility engaged directly or indirectly in any other business than those mentioned in Section 3 of this Act, shall, if required by the Commission, keep and render separately to the Commission, in like manner and form, the accounts of all such other business, in which case all the provisions of this Act shall apply with like force and effect to the books, accounts, papers and records of such other business.

Blanks to be furnished.

(c) The Commission shall cause to be prepared, suitable blanks for carrying out the purposes of this Act, and shall, when necessary, furnish such blanks to each Public Utility.

No other books, accounts, papers than those prescribed shall be kept by public utilities.

(d) No Public Utility shall keep any other books, accounts, papers or records of the business transacted, than those prescribed or approved by the Commission. Each Public Utility shall have an office in one of the towns, villages or cities in this State, in which its property, or some part thereof, is located, and shall keep in said office all such books accounts, papers, and records as shall be required by the Commission to be kept with-

Location of office and accounts.

HeinOnline -- 1913 90 1913

in the State. No books, accounts, papers or records required by the Commission to be kept within the State, shall be at any time removed from the State, except upon such conditions as may be prescribed by the Commission.

No prescribed records shall be removed from state.

(e) The accounts of such Public Utilities shall be closed annually on the thirtieth day of June, a balance sheet taken promptly therefrom, and full annual reports of the business be made to the Commission not later than the 15th day of September following the closing of the accounts. The reports shall be in such form as prescribed by the Commission, and shall contain all the information deemed by the Commission necessary for the proper performance of its duties. The Commission may at any time, call for desired information omitted from such reports, or not provided for therein, whenever, in the judgment of the Commission, such information is necessary.

Annual closing of acccunts and reports to the commission.

Form and contents of reports.

(f) Any Commissioner or any person or persons authorized by the Commission, shall have the right to examine the books, accounts records and papers of any Public Utility for the purposes of determining their correctness and whether they are being kept in accordance with the rules and system prescribed by the Commission.

Examination of books, records and accounts of public utilities.

Section 8. Any officer, agent or person, in charge of the books, accounts, records and papers, or any of them of any Public Utility, who shall refuse or fail for a period of thirty days, to furnish the Commission with any report required by the provisions of this act, and any officer, agent or person in charge of any particular books, accounts, records or papers relating to the business of such Public Utility, who shall refuse to permit any Commissioner or other person duly authorized by the Commission, to inspect such books, accounts, records or papers on behalf of the Commission, shall be subject to a fine of not less than one hundred (100) dollars, or more than five hundred (500) dollars, such fine to be recovered in a civil action upon the complaint of the Commission in any Court of competent jurisdiction; and each day's refusal or failure on the part of such officer, agent or person in charge, shall be deemed a separate offense, and be subject to the penalty herein prescribed.

Failure to make reports or refusing to permit examinations by officers and agents.

Penalty.

Section 9. The Commission shall make and publish annual reports for each calendar year, showing its pro-

Annual published report of commission.

HeinOnline -- 1913 91 1913

ceedings, which report, shall as nearly as may be conform in a general way, to those of the Railroad Commission of the State and be made at the same time. All the reports records, accounts, files, papers, and memoranda of every nature in the possession of the Commission shall be open to the public at all reasonable times, subject to the exception that when the Commission deems it necessary, in the interest of the public, it may withhold from the public any facts or information in its possession for a period of not more than ninety days after the acquisition of such facts or information.

Records, files, papers, etc., of the commission to be open to the public for examination, except when.

Section 10. (a) The Commission shall ascertain and prescribe for each kind of Public Utility, suitable and convenient commercial units of product or service. These shall be lawful units for the purposes of this Act.

Commercial units of product and service to be prescribed.

(b) The Commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other conditions pertaining to the supply of the product or service rendered by any Public Utility, and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof.

Commission to ascertain and fix adequate standard of measurement, etc.

(c) The Commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a Public Utility. Any consumer or user may have any such appliances tested upon payment of the fees fixed by the Commission. The Commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, which fees, however, shall be paid by the Public Utility and repaid to the complaining party, if the quality or quantity of the product or the character of the service be found by the Commission defective or insufficient in a degree to justify the demand for testing; or the Commission may apportion the fees between the parties as justice may require.

Examination and testing of appliances of measuring.

Consumer may require testing when.

To fix fees for testing appliances.

(d) The Commission may in its discretion, purchase such materials, apparatus and standard measuring instruments for such examinations and tests as it may deem necessary.

Purchasing standard measurement appliances.

(e) The Commission, its agents, experts, or examiners shall have the power to enter upon any premises occupied by any Public Utility for the purpose of

Power to enter premises.

HeinOnline -- 1913 92 1913

making the examinations and tests provided in this Act, and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor. Any Public Utility refusing to allow such examinations to be made as herein provided, shall be subject to the penalties prescribed in Section 8 of this Act.

Penalty for refusing to permit examination.

Section 11. (a) Every Public Utility shall file with the Commission within a time fixed by the Commission, schedules which shall be open to public inspection, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith, or performed by any Public Utility controlled or operated by it. The rates, tolls and charges shown on such schedules shall not exceed the rates, tolls and charges in force at time of passage of this Act. Every Public Utility shall file with and as a part of such schedule, all rules and regulations, that in any manner affect the rates charged or to be charged for any service. A copy of so much of said schedule as the Commission shall deem necessary for the use of the public, shall be printed in plain type, and kept on file in every station or office of such Public Utility, where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and as can be conveniently inspected.

Schedules of rates, tolls and charges to be filed with commission and open to the public.

Rates, tolls and charges not to exceed what rates.

Rules and regulations, also to be filed.

Copies of rates, etc., to be kept in offices of Public utilities for use of the public.

(b) When a schedule of joint rates or charges is or may be in force between two or more Public Utilities, such schedule shall in like manner, be printed and filed with the Commission and so much thereof as the Commission shall deem necessary for the use of the public shall be filed in every such station or office as prescribed in Section 11 (a).

Schedule of joint rates.

(c) No change shall thereafter be made in any schedule, including schedules of joint rates, except upon twenty days' notice to the Commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; provided that the Commission upon application of any Public Utility, may prescribe a less time within which a reduction may be made; provided, however, that no advance or reduction of existing schedules shall be made without the concurrence of the Commission. Copies of all new or amend-

Changes in schedule of rates made, when.

No change in rates to be made without the concurrence of the commission.

HeinOnline -- 1913 93 1913

ed schedules shall be filed and posted in the stations or offices of Public Utilities as in the case of original schedules. The Commission may prescribe such changes in the form in which the schedules are issued by any Public Utility as may be found to be expedient.

Greater or lesser charges than those contained in schedule forbidden.

Section 12. It shall be unlawful for any Public Utility to charge, demand, collect or receive a greater or less compensation for any service performed by it within the State, or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll, or charge not specified in such schedules. The rates, tolls, and charges named therein shall be the lawful rates, tolls and charges until the same are changed, as provided in this Act. It shall likewise be unlawful for any Public Utility to grant any rebate, concession or special privilege to any consumer or user, which, directly or indirectly. shall or may have the effect of changing the rates, tolls, charges or payments, and any violation of the provisions of this Section shall subject the violator to the penalty prescribed in Section 8 of this Act. This, however, does not have the effect of suspending, rescinding, invalidating or in any way affecting existing contracts.

Lawful rates, tolls and charges specified.

Rebates and special privileges forbidden.

Penalty.

Existing contracts excepted.

Classifications of service.

Section 13. The Commission may prescribe classifications of the service of all Public Utilities, and such classifications may take into account the quantity used, the time when used and any other reasonable consideration. Each Public Utility is required to conform its schedule of rates, tolls and charges to such classifications.

Rules and regulations for inspections, tests and investigations; hearings and proceedings.

Section 14. The Commission shall have the power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits, and investigations, and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of Public Utilities, and other parties before it. All hearings shall be open to the public.

All hearings to be public.

Authority to inquire into and investigate management of all public utilities.

Section 15. (a) The Commission shall have authority to inquire into the management of the business of all Public Utilities and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any Public

HeinOnline -- 1913 94 1913

Utility all necessary information to enable the Commission to perform its duties.

Inspection of books, accounts papers and records.

(b) The Commission or any Commissioner, or any person or persons employed by the Commission for that purpose, shall, upon demand have the right to inspect the books, accounts, papers, records and memoranda of any public utility and to examine under oath, any officer, agent or employee of such public utility in relation to its business and affairs.

Examination under oath of officers and employees.

Persons who shall produce authority to make such inspection.

(c) Any person, other than one of said Commissioners who shall make such demand, shall produce his authority to make such inspection.

May require the production of books, accounts, records, etc., how.

(d) The Commission may require by order or subpoena, to be served on any Public Utility, in the same manner that a summons is served in a civil action in the District Court, the production, within this State, at such time and place as it may designate, of any books, accounts, papers or records kept by such Public Utility in any office or place without the State of Montana, or verified copies in lieu thereof, if the Commission shall so order, in order that an examination thereof may be made by the Commission or under its direction.

Public Utility failing or refusing to comply with order of commission.

(e) Any Public Utility failing or refusing to comply with any such order or subpoena, shall be subject to the liability named in Section 8 of this Act.

Engineer and other employees of commission.

Salaries.

Section 16. The Commission is authorized to employ an engineer at a salary of not to exceed twenty-four hundred ($2400) dollars per annum, also examiners, experts, clerks, accountants or other assistants as it may deem necessary, at such rates of compensation as it may determine upon.

Complaint may be made by whom.

Section 17. Upon a complaint made against any Public Utility by any mercantile, agricultural or manufacturing society or club, or by any body, politic, or municipal organization, or association or associations, the same being interested, or by any person or persons, firm or firms, corporation or corporations, provided such persons, firms or corporations are directly affected thereby

Proviso.

What things may be complained of.

that any of the rates, tolls, charges or schedule or any joint rate or rates are in any way unreasonable or unjustly discriminatory or that any regulations, measurements, practices, or act whatsoever affecting or relating to the production, transmission or delivery or furnishing of heat, light, water or power or any service in connection therewith or the conveyance of any tele-

HeinOnline -- 1913 95 1913

Duty of commission thereupon.

graph or telephone message or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate, the Commission shall proceed, with or without notice, to make such investigation as it may deem necessary. But no order affecting such rates, tolls, charges, schedules, regulations, measurements, practice or act complained of, shall be entered without a formal hearing.

When formal hearing required.

Notice of hearing.

(b) The Commission shall give the Public Utility and the complainant or complainants, at least ten days' notice of the time when and the place where such hearing will be held, at which hearing both the complainant and the Public Utility shall have the right to appear by counsel or otherwise, and be fully heard. Either party shall be entitled to an order by the Commission for the appearance of witnesses or the production of books, papers and documents containing material testimony. Witnesses appearing upon the order of the Commisson shall be entitled to the same fees and mileage as witnesses in civil cases in the courts of the State, and the same shall be paid out of the State Treasury in the same manner as other claims against the State are paid; but no fees or mileage shall be allowed, unless the Chairman of the Commission shall certify to the correctness of the claim.

Right to appear by counsel.

Production of evidence.

Witness fees.

When witness fails to appear.

Section 18. If any party ordered to appear before the Commission as a witness shall fail to obey such order, the Commission or any member, or the Secretary thereof, may apply to the Clerk of the nearest District Court, for a subpoena commanding the attendance of said witness before the Commission. It shall be the duty of such clerk to issue such subpoena, and of any peace officer to serve the same. Disobedience to such subpoena shall be deemed a contempt of court and punished accordingly.

Duty of clerk of District Court.

Power to fix rates upon hearing and findings.

Section 19. (a) If, upon such hearing and due investigation, the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable or unjustly discriminatory, or to be preferential or otherwise in violation of the provisions of this Act, the Commission shall have the power to fix and order substituted therefor, such rate or rates, tolls, charges, or schedules, as shall be just and reasonable. If it shall in like manner be found that any regulation, measurement,

Also regulation, measurements, etc.

HeinOnline -- 1913 96 1913

practice, act or service complained of, is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this Act, or if it be found that the service is inadequate, or that any reasonable service cannot be obtained, the Commission shall have power to substitute therefor such other regulations, measurements, practices, service or acts, and make such order relating thereto as may be just and reasonable.

Hearings on each matter complained of may be separate.

(b) When complaint is made of more than one rate, charge or practice, the Commission may in its discretion, order separate hearing upon the several matters complained of, and at such times and places as it may prescribe. The Commission may at any time, upon its own motion, investigate any of the rates, tolls, charges, rules, regulations, practices and service, after a full hearing, as above provided, by order, make such changes as may be just and reasonable the same as if a formal complaint had been made.

Power of commission to investigate on its own motion.

Public Utility may make complaint.

(c) Any Public Utility may make complaint as to any matter affecting its own product or service with like effect, as though made by any mercantile, agricultural or manufacturing society, body politic, or municipal organization or person or persons. Notice of the hearing upon any such complaint shall be given to the persons interested in such manner as the Commission may by rule prescribe.

Depositions of witnesses.

Section 20. The Commission or any party to any proceeding before it, may cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil actions.

Records of proceedings.

Section 21. A full and complete record shall be kept of all proceedings before the Commission or its representatives on any formal investigation, and all testimony shall be taken down by the stenographer appointed by the Commission. Whenever any complaint is served upon the Commission as hereinafter provided for, the bringing of actions against the Commission, before the action is reached for trial the Commission shall cause a certified copy of all proceedings held and testimony taken upon such investigation, to be filed with the Clerk of the Court in which the action is pending.

Certified copy of all proceedings and testimony to be produced in actions against the commission.

Witness not excused from testifying on account of incriminating character of evidence.

Section 22. No person shall be excused from testifying, or from producing books and papers in any proceedings based upon or growing out of any alleged vio-

HeinOnline -- 1913 97 1913

Prosecution cannot be founded on matters testified to.

lation of the provisions of this Act, on the ground of, or for the reason that, the testimony or evidence documentary or otherwise, required of him may tend to incriminate or subject him to penalty or forfeiture; but no person having so testified, shall be prosecuted or subjected to any penalty or forfeiture for, or on account of any transaction, matter or thing, concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Perjury excepted.

Officers and employees of Public Utilities refusing to fill blanks or produce evidence.

Section 23. Any officer, agent, or employee of any Public Utility who shall wilfully fail or refuse to fill out and return any blanks as required by this Act or shall wilfully fail or refuse to answer any questions therein propounded, or shall knowingly or wilfully give a false answer to any such questions, or shall evade the answer to such questions, where the fact inquired of is within his knowledge, or who shall, upon proper demand wilfully fail or refuse to exhibit to any commission or any commissioners, or any person also authorized to examine the same, any book, paper or account of such Public Utility which is in his possession or under his control, shall be subject to the penalty prescribed in Section 8 of this Act.

Penalty.

To investigate violations of law.

Section 24. The Commission shall inquire into any neglect or violation of the laws of this State by any such Public Utility as hereinbefore defined, doing business therein, or by the officers, agents, or employees thereof, and shall have the power, and it shall be its duty, to enforce the provisions of this Act, and report all violations thereof to the Attorney General; upon the request of the Commission it shall be the duty of the Attorney General or the prosecuting attorney of the proper, or any county, to aid in any investigations, prosecutions, hearing or trial had under the provisions of this Act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this Act.

To report to the Attorney General.

Duty of Attorney General and prosecuting attorneys.

Enforcement of rates, fares, etc. fixed by commission.

Section 25. All rates, fares, charges, classifications and joint rates fixed by the Commission shall be enforced, and shall be prima facie lawful, from the date of the order until changed or modified by the Commission, or in pursuance of Section 26 of this Act. All regulations, practices and service, prescribed by the

HeinOnline -- 1913 98 1913

Commission, shall be enforced and shall be brought for that purpose, pursuant, to the provisions of Section 27 of this Act, or until changed or modified by the Commission itself upon satisfactory showing made.

Prima facie lawful. Action may be brought to set aside rates, fares, charges, etc., fixed by commission within what time.

Section 26. Any party in interest being dissatisfied with an order of the Commission fixing any rate or rates, fares, charges, classifications, joint rate or rates, or any order fixing any regulations, practices or services, may within ninety (90) days commence an action in the district court of the proper county against the Commission and other interested parties as defendants to vacate and set aside any such order on the ground that the rate or rates, fares, charges, classifications, joint rate or rates, fixed in such order is unlawful or unreasonable, or that any such regulation, practice or service, fixed in such order is unlawful or unreasonable. The Commission and other parties defendant shall file their answer to said complaint within thirty (30) days after the service thereof whereupon such action shall be at issue and stand ready for trial upon twenty (20) days' notice to either party.

Time within which answer may be filed.

Actions to have precedence.

All actions brought under this section shall have precedence over any civil cause of a different nature pending in such court, and the court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions; any party to such action may introduce evidence in addition to the transcript of the evidence offered to said Commission.

Additional evidence.

No injunction against commission to issue except when.

(a) No injunction shall issue suspending or staying any order of the Commission except upon application to the court or judge thereof, notice to the Commission having been first given and hearing having been had thereon; provided, that all rates fixed by the Commission shall be deemed reasonable and just, and shall remain in full force and effect until final determination by the courts having jurisdiction.

Fixed rates to stand until judgment rendered.

Court's action when plaintiff introduces addition or other evidence.

(b) If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the Commission, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the Commission, and shall stay further proceedings in said

HeinOnline -- 1913 99 1913

Commission may modify or amend its orders upon receipt of transcript of such evidence.

action for fifteen (15) days from the date of such transmission. Upon receipt of such evidence the Commission shall consider the same and may modify, amend, or rescind its order relating to such rate or rates, fares, charges, classifications, joint rate or rates, regulation, practice or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

Complaint shall be dismissed when.

(c) If the Commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon, as though made by the Commission in the first instance. If the original order shall not be rescinded or changed by the Commission, judgment shall be rendered upon such original order.

Appeal to supreme court.

(d) Either party to said action within sixty (60) days after service of a copy of the order or judgment of the court may appeal or take the case up on error as in other civil actions. Where an appeal is taken to the Supreme Court of Montana the cause shall, on the return of the papers to the higher court, be immediately placed on the calendar of the then pending term, and shall be assigned and brought to a hearing in the same manner as other causes on the calendar.

Placing case on calender in supreme court.

Burden of proof.

(e) In all actions under this Act the burden of proof shall be upon the party attacking or resisting the order of the Commission to show that the order is unlawful or unreasonable, as the case may be.

Investigation of accidents by commission.

Section 27. The Commission or some member thereof, or some person deputed by it, shall investigate and make inquiry into every accident occurring in the operation of any Public Utility in this State, resulting in death, or injury to any person, of such gravity as to require the attention of a physician or surgeon. The testimony taken at such hearing shall be transcribed and filed in the office of the Commission.

Public Utilities to promptly report accidents.

(a) It is hereby made the duty of every Public Utility operating within this State, promptly upon the occurrence of any accident, such as is mentioned above, to report by telegraph followed by written report, the same to the Commission, in which report shall be stated

Contents of report.

the time and place of accident, the names of persons killed or injured, and in concise form the nature and

HeinOnline -- 1913 100 1913

cause of such accident. The Commission shall prescribe forms for the purpose of making such written reports. Reports of accidents as referred to in this Section shall be included in the Commission's annual report to the Governor.

Public Utilities violating act or failing to comply with any order.

Section 28. If any Public Utility shall violate any provision of this Act, or shall do any act herein prohibited, or shall fail, or refuse to perform any duty enjoined upon it, or upon failure of any Public Utility to place in operation any rate or joint rate or do any act herein prohibited, for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by the Commission or any court, for every such violation, failure or refusal, such Public Utility shall be subject to the penalty prescribed by Section 8 of this Act.

Penalty.

Verification of reports, statements, etc., to commission.

Section 29. Every annual report, record or statement required by this Act to be made to the Commission shall be sworn to by the proper officer, agent or person in charge of such Public Utility. Any intentionally false oath as to the correctness of such report, record or statement, shall be deemed perjury, and the person making such false oath shall, upon conviction, be punished as in the case of other perjuries.

Perjury.

Suits for recovery of forfeitures and penalties.

Section 30. Any forfeiture or penalty herein provided shall be recovered and suit thereon shall be brought in the name of the State of Montana in the district court of any county having jurisdiction of the defendant. The Attorney General of Montana shall be the counsel in any proceeding, investigation, hearing or trial, prosecuted or defended by the Commission, as also shall any prosecuting attorney selected by said Commission or other special counsel furnished said Commission in any county where such action is pending.

Attorney General shall be counsel to the commission.

Mandamus, injunction, etc.

Section 31. In addition to all the other remedies provided by this Act for the prevention and punishment of any and all violations of the provisions thereof and all orders of the Commission, the Commission may compel compliance with the provisions of this Act and of the orders of the Commission by proceedings in mandamus, injunction, or by other civil remedies.

Expenses of commission and officers which traveling.

Section 32. The Commission and Secretary and such clerks and experts as may be employed, shall be entitled to receive from the State their necessary ex-

HeinOnline -- 1913 101 1913

Verification to expense accounts.

penses while traveling on the business of the Commission, including the cost of lodging and subsistence. Such expenditure shall be sworn to by the person who incurred the expenses and be approved by the Chairman of the Commission.

No section herein, if held void, shall affect any other section.

Section 33. Each section of this Act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void or inoperative for any cause, shall not be deemed to affect any other section thereof.

Appropriation.

Section 34. For the purpose of carrying out the provisions of this act, the sum of $15,000.00 is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated.

Repealing clause.

Section 35. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 36. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4th, 1913.

CHAPTER 53.

"An Act to permit common carriers to carry free or at reduced rates persons and property in certain cases."

Be it enacted by the Legislative Assembly of the State of Montana:

Common carriers may transport property free of charge in cases named herein.

Section 1. That nothing in provisions of Chapters 4 and 5, Title VIII, of the political code, revised statutes of Montana, 1907, or in any other provisions of the laws of the State of Montana, shall be construed to prevent, or shall prevent any person, association, company, or corporation engaged as a common carrier of persons, or property in the State of Montana from carrying, storaging, or handling property free, or at reduced rates, for the United States, state or municipal governments, or for charitable institutions, or property which is being transported to, or from fairs and expositions for exhibit thereat, or cars used by the government of the United State or State of Montana for the transportation of fish, or for carrying free or at reduced rates agents and employees employed in such transportation and nothing therein contained shall prevent such person, association, company, or corporation from issuing free

HeinOnline -- 1913 102 1913

transportation, or selling tickets at reduced rates to the following classes of persons:

Passes and reduced rates.

Employees of the issuing road and the members of their families.

Officers and employees of other railroads and the members of their families upon the exchange passes or tickets.

Doctors, nurses and helpers being carried to wrecks.

Soldiers or sailors going to or coming from institutions for their keeping.

Ministers of religion and persons engaged in charitable or religious work, and destitute or homeless persons being trasported by charitable societies or at public expense.

Executive, judicial or legislative officers of the State of Montana, including the state game warden and his deputies, the members of the state board of horticulture, members of the faculty of the different educational institutions of the state, officers, trustees or employees of the State Fair, officers and inspectors of the Live Stock and Sheep Commission Boards. Provided, however, that when free transportation, or a ticket at a reduced rate shall be issued to any such officer, state game warden, or deputy, or any member of the said board of horticulture, or any president or member of the faculty of any educational institution that the same shall only be issued upon the application of the secretary of the state, and the said transportation, or ticket shall be delivered to the secretary of state for delivery to the person, or persons, applying therefor, and the secretary of state shall keep record of all transportation, and tickets at reduced rates so received and delivered by him, provided further that such state officer, state game warden, and deputies and members of the state board of horticulture, and the president and faculty of the state educational institutions when traveling upon any free transportation shall not be entitled to charge any mileage against the state, or if traveling upon a ticket sold at reduced fare they shall not be entitled to charge mileage in excess of the cost of said ticket.

Passes and reduced transportatior. to state officers or employees to be issued only on application of secretary of state.

Secretary of state to keep records thereof.

Mileage not to be allowed when.

Section 2. The carrying free, or at reduced rates, of property or persons in any of the classes above specified, shall be held to be a reasonable classification by railroad companies for such purposes and not to be unjust discrimination, and the carriage and transporta-

Classification shall be held reasonable, etc.

HeinOnline -- 1913 103 1913

tion by any railroad company, at free or reduced rates, in any of the cases above specified, shall be held not to be a violation of any of the provisions of the laws of Montana, or subject said railroad company to any penalty therefor.

Repealing clause.

Section 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1913.

CHAPTER 54.

"An Act to amend Section 7671 and 7673 of the Revised Codes of the State of Montana, Relating to the Distribution of Estates of Deceased Persons."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7671 of the Revised Codes of the State of Montana be, and the same is hereby amended, to read as follows:

Amending Section 7671, Revised Codes, 1907.

Section 7671. All persons appearing within the time limited must file their written appearance in person or through their authorized attorney, such attorney filing at the same time written evidence of his authority to so appear, which written evidence must be in the English language, or if in a foreign language, the same must be accompanied by an English translation thereof duly certified as correct by a United States Consul, entry of which appearance shall be made in the minutes of the court and in the register of proceedings of said estate. And the court or judge shall, after the expiration of the time limited for appearing as aforesaid, enter an order adjudging the default of all persons for not appearing as aforesaid, who shall not have appeared as aforesaid. At any time within twenty days after the date of the order of the court or judge establishing proof of service of such notice, any of such persons so appearing may file his complaint in the matter of the estate, setting forth the facts constituting his claim of heirship, ownership, or interest in said estate, with such reasonable particularity as the court or judge may acquire, and serve a copy of the same upon each of the parties or attorneys who shall have entered their written appearance as aforesaid, if such parties or such attorneys reside within the County; and in case any of them do not reside within the County, then service of such copy

Determining heirship.

Appearance must be in writing.

Attorneys must file evidence of authority.

Default.

Complaint must be filed when.

Contents of complaint.

Service of copies of complaint.

HeinOnline -- 1913 104 1913

of said complaint shall be made upon the clerk of said court for them, and the clerk shall forthwith mail the same to the address of such party or attorney as may have left with said clerk his postoffice address. Such parties are allowed twenty days after the service of the complaint, as aforesaid, within which to plead thereto, and thereafter such proceedings shall be had upon such complaint as in this Code provided in case of an ordinary civil action; and the issues of law and of fact arising in the proceeding shall be disposed of in like manner as issues of law and fact are herein provided to be disposed of in civil actions, with a like right to a motion for a new trial and appeal to the supreme court; and the provisions in this Code contained regulating the mode of procedure for the trial of civil actions, the motion for a new trial of civil actions, statements on motion for a new trial, bills of exceptions, and statements on appeal, as also in regard to undertakings on appeal, and the mode of taking and perfecting appeals, and the time within which such appeals shall be taken, shall be applicable thereto; Provided, however, that all appeals herein must be taken within sixty days from the date of the entry of the judgment or the order complained of.

Time within which to plead.

Proceedings.

Right of new trial and appeal.

Appeals must be taken within sixty days.

Section 2. That Section 7673 of the Revised Codes of the State of Montana be, and the same is hereby amended to read as follows:

Amending Section 7673 Revised Codes, 1907.

Section 7673. Upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or of any heir, legatee, or devise, the court or judge, must proceed to distribute the residue of the estate in the hands of the executor or administrator, if any, among the persons who by law are entitled thereto; and if the decedent has left a surviving child, and the issue of other children, and any of them, before the close of the administration, have died while under age and not having been married, no administration on such deceased child's estate is necessary, but all the estate which such deceased child was entitled to by inheritance must, without administration, be distributed to the other heirs at law; Provided, that whenever it appears from the records or files of an estate under course of administration, that any of the persons claiming to be heirs, or claiming a right to

Distribution of estates.

Among who to be made.

No administration necessary on share of deceased child.

Proceedings in case of foreign heirs.

HeinOnline -- 1913 105 1913

share in said estate, are non-residents of the United States, then a proceeding to determine their rights shall be had under the provisions and as provided for in Sections 7670, 7671, and 7672 of the Revised Codes with reference to the determination of heirship. A statement of any receipts and disbursements of the executor or administrator, since the rendition of his final accounts, must be reported and filed at the time of making such distribution; and a settlement thereof together with an estimate of the expenses of closing the estate, must be made by the court or judge, and included in the order; or the court or judge may order notice of the settlement of such supplementary account, and refer the same as in other cases of the settlement of accounts.

Statements of executor since final accounting to be filed and settled.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1913.

CHAPTER 55.

"An Act creating the Department of Labor and Industry, providing for the appointment, duties and powers of the officers thereof and fixing their salaries."

Be it enacted by the Legislative Assembly of the State of Montana:

Department of Labor and Industry created.

To consist of whom.

Section 1. That the Department of Labor and Industry of the State of Montana is hereby created, which shall consist of a Commissioner, Boiler Inspector, Inspector of Mines and Coal Mine Inspector and such deputies and employees as are now or may hereafter be authorized by law.

Commissioners of labor and industry.

Term of office.

May be removed.

Bond.

Section 2. The Commissioners of Labor and Industry shall be appointed by the Governor, his term of office shall be four years and he may be removed by the Governor for incompetence, negligence or malfeasance in office. The Commissioner shall execute an official bond in the penal sum of One Thousand ($1,000) Dollars to be approved by the Governor, and to be filed with the State Auditor. Such Commissioner shall also and is hereby authorized to appoint one clerk who shall hold office at the pleasure of the Commissioner. He is also authorized to employ one stenographer.

Clerk.

Stenographer.

HeinOnline -- 1913 106 1913

Duties in general.

Section 3. The duties of the Commissioner of Labor and Industry shall be to enforce the provisions of Sections 1746 to and including Section 1754 of the Revised Codes of the State of Montana, 1907, and to discharge the duties now imposed upon the Commissioner of the Bureau of Agriculture, Labor and Industry relating thereto and to free employment offices within this State.

Annual report.

Section 4. The Commissioner shall collect, assort and arrange, systematize and present in an annual report to the Governor on or before the first day of December in each year, statistical details relating to all departments of labor and industry in the State of Montana.

Powers and official seal.

Section 5. The Commissioner shall have the power to administer oaths, have and use a seal, with power, to examine witnesses under oath, to take depositions or cause the same to be taken by any one authorized to take depositions, and said Commissioner may deputize any male citizen over the age of twenty-one years to serve subpoenas upon witnesses who shall be summoned in the same manner as witnesses before the district court, and any person or owner, operator, or lessee of any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop or other establishment, any agent or employee of such owner, operator, manager or lessee, who shall refuse to said Commissioner admission therein for the purpose of inspecting, or who shall when requested by him willfully neglect or refuse to furnish to him any statistics or other information relating to his lawful duties, which may be in their possession or under their control, or who shall willfully neglect or refuse for thirty days to answer questions by circular or by personal application, or who shall knowingly answer such questions untruthfully or who shall refuse to obey any such subpoenas and give testimony according to the provisions of this Act, shall for every such willful neglect or refusal be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than Fifty ($50.00) nor more than One Hundred ($100.00) Dollars. Provided, that no witness shall be compelled to answer questions respecting his private affairs nor to go outside of his own county to give testimony.

Refusing to admit commissioner for inspections or refusing to furnish information.

Willfully refusing to answer questions by circular.

Misdemeanor.

Penalty.

Office and records to be kept at this capitol.

Section 6. The office of said commissioner shall be at the Capitol of the State where all the books, records and statistics of the department shall be kept. The

HeinOnline -- 1913 107 1913

How salaries are to be paid.

salaries and other expenses of the said office shall be paid by the State in the same manner as is provided by law for the payment of the salaries and expenses of other state officers.

Expenses which may be incurred.

Section 7. The Commissioner may incur such expenses as are necessary in the discharge of the official duties of his department provided that such expenses shall not exceed the amount appropriated therefor in each year.

Salary of commissioners.

Clerks salary.

Stenographers salary.

Section 8. The Commissioner shall receive an annual salary of Twenty-five Hundred ($2,500.00) Dollars, payable monthly; the clerk an annual salary of Twenty-one Hundred ($2,100.00) Dollars, payable monthly, and the stenographer an annual salary of Twelve Hundred ($1,200.00) Dollars, payable monthly.

Appointment of state boiler inspector, state inspector of mines and state coal mine inspector.

Section 9. The State Boiler Inspector, the State Inspector of Mines and the State Coal Mine Inspector, their deputies, assistants and employees shall be appointed in the manner and perform the duties now required by law and shall receive the same salaries as are now prescribed by law.

Reports of officers to be combined and published in one volume.

Section 10. Each of said officers provided for in this Act shall make reports as now required by law and the provisions of this Act. Such reports shall be combined in one volume and published biennially and shall contain such statistical and descriptive matter as shall be approved by the State Board of Examiners.

Act to take effect when.

Section 11. This Act shall be in full force and effect from and after March 4, 1913.

Repealing clause.

Section 12. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 4, 1913.

CHAPTER 56.

"An Act to Create the Department of Agriculture and Publicity, Providing for the Appointment and Prescribing the Duties and Fixing the Salaries of the Officials Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Department of agriculture and publicity created.

Section 1. The Department of Agriculture and Publicity of the State of Montana, be, and is, hereby created, whose executive officer shall be a Commissioner appointed by the Governor. The term of such Com-

HeinOnline -- 1913 108 1913

mossioner shall be four years and he may be removed by the Governor for incompetence, negligence or malfeasance in office. The Commissioner shall execute an official bond in the penal sum of One Thousand Dollars, to be approved by the Governor, and to be filed with the State Auditor.

Commissioners, appointment and term of office.

Official bond.

Section 2. The Commissioner. of Agriculture and Publicity shall discharge the duties now required of the Commissioner of the Bureau of Agriculture, Labor, and Industry, as prescribed in and by virtue of the provisions of Chapter 70 of the Session Laws of the Eleventh Legislative Assembly of the State of Montana.

Duties in general.

Section 3. Such Commissioner shall have authority and is hereby authorized to appoint one clerk whose salary shall be Two Thousand One Hundred Dollars per annum, payable monthly, and one stenographer, whose salary shall be One Thousand Two Hundred Dollars, per annum, payable monthly.

May appoint clerk and stencgrapher.

Salaries.

Section 4. The Commissioner shall keep his office at the Capitol of the State where the books, records, and statistics of his department shall be kept. His salary and other expenses of the said office shall be paid by the State in the same manner as is provided by law for the payment of the salaries and expenses of other State Officers.

Offices and records, to be kept at the capitol.

How salary to be paid.

Section 5. The salary of the Commissioner of Agriculture and Publicity is hereby fixed at the sum of Two Thousand Five Hundred Dollars per annum, payable monthly.

Salary of commissions.

Section 6. The Department heretofore created by law known as the Bureau of Agriculture, Labor and Industry, be, and the same is, hereby abolished.

Abolition of the department of the Bureau of Agriculture, Labor and Industry.

Section 7. This Act shall take effect and be in full force from and after the Fourth Day of March, 1913.

Act to take effect.

Section 8. All Acts and parts of Acts, in conflict herewith, be, and the same are, hereby repealed.

Repealing clause.

Approved March 4, 1913.

HeinOnline -- 1913 109 1913

CHAPTER 57.

"An Act to create the State Board of Commissioners for the insane; naming the members thereof and prescribing their powers and duties; providing for the appointment of a Superintendent of the State Insane Asylum and one assistant Superintendent and fixing their term and salary and prescribing their qualifications and providing for their removal; repealing Sections 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, and 1120 of the Revised Codes of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Insane asylum; control of.

Section 1. The management, control and supervision of the State Insane Asylum located at Warm Springs, County of Deer Lodge, State of Montana, is hereby vested in the State Board of Commissioners for the Insane which consists of the Governor, the Secretary of State, and the Attorney General, of which the Governor is president and the Secretary of State the Secretary.

State board of commissioners for the insane to consist of whom.

Powers and duties.

Section 2. The powers and duties of such board are as follows:

(1) To make rules and regulations for its own government not inconsistent with the laws of the State.

(2) To prescribe the duties of the superintendent of the State Insane Asylum.

(3) To provide for the care, custody, maintenance and treatment of the insane in a safe and suitable building or buildings for that purpose which is known as the State Insane Asylum.

(4) To make inqury into the condition of the asylum and to see that the inmates are properly cared for in respect to clothing, food, medical attendance, and that they have proper apartments.

(5) To make a report biennially to the legislative assembly giving a statement of the receipts and expenditures, the conditions of the asylum, the number of inmates under treatment, and such other matters as may be advisable.

(6) To keep a record of their proceedings which must be open at all times to the inspection of any citizen.

Qualifications and appointment of the superintendent and assistant.

Section 3. A superintendent of the State Insane Asylum and an assistant superintendent, who shall

HeinOnline -- 1913 110 1913

be regularly licensed physicians of the State of Montana, shall be appointed by the Governor and such appointments must be transmitted to and approved by the Senate. The tenure of office of the appointees shall be for a period of four years from the date of appointment and until their successors have been appointed and qualified. The salary of the superintendent is hereby fixed at the sum of Four Thousand ($4,000.00) Dollars per year, the salary of the assistant superintendent at Three Thousand ($3,000.00) Dollars per year, payable in monthly installments of one-twelfth each at the end of each and every month. They shall be subject to removal by the State Board of Commissioners for the Insane at any time for misfeasance, nonfeasance or malfeasance in office, but before the superintendent or the assistant superintendent be so removed, formal charges in writing must be preferred and the superintendent or the assistant charged shall be given opportunity to appear and defend himself against any such charges. When charges shall have been preferred asking the removal of the superintendent or the assistant superintendent, notice of the time and place of hearing of said charges shall be served upon the accused at least five days prior to the day set for the hearing, provided, however, that when such charges have been preferred, the State Board of Commissioners for the Insane shall have the power and authority to suspend the accused until after the determination of the charges preferred against him.

Term of office.

Salaries.

Superintendent and assistant subject to removal by whom and on what account.

Charges and hearing.

Notice and time of hearing.

May be suspended when.

Section 4. The superintendent shall have immediate control and charge of the State Insane Asylum and the inmates thereof, subject, however, to the orders, rules and regulations made and prescribed by the State Board of Commissioners for the Insane and not inconsistent with this Act, and said superintendent shall appoint additional medical assistants, whose appointment shall be subject to the approval of the State Board of Commissioners for the Insane, and whose salaries shall be fixed by said Board.

Control in superintendent.

Additional medical assistants.

Section 5. The superintendent and assistant superintendent before entering upon the discharge of their duties of their respective positions, shall take the constitutional oath of office and file bonds in such sums as shall be fixed by the State Board of Commissioners for the Insane, to be approved by the said Board.

Oath of office and boards.

HeinOnline -- 1913 111 1913

Repealing clause.

Section 6. That Sections 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120 of the Revised Codes of the State of Montana of 1907, and all acts and parts of acts in conflict with this Act be, and the same are hereby repealed.

Section 7. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 58.

"An Act to create the Fourteenth Judicial District of the State of Montana to be composed of the Counties of Broadwater and Meagher. To change the boundaries of the Ninth Judicial District of the said State of Montana to conform thereto, to change the boundaries of the Tenth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties, term and compensation of Judge of said Fourteenth Judicial District."

Be it enacted by the Legislative Assembly of the State of Montana:

Fourteenth Judicial District created.

Section 1. That there is hereby created a new Judicial District of the State of Montana, to be known as the Fourteenth Judicial District of the State of Montana, and that the same shall embrace and comprise the territory within the Counties of Broadwater and Meagher, within the State of Montana, which, from and after the passage of this Act, shall constitute the Fourteenth Judicial District of the State of Montana.

Territory embraced.

Ninth Judicial District.

Section 2. That the Ninth Judicial District of the State of Montana shall hereafter embrace the territory within the County of Gallatin.

Tenth Judicial District.

Section 3. That the Tenth Judicial District of the State of Montana shall hereafter embrace the territory within the County of Fergus.

Governor shall appoint judge.

Section 4. That within thirty days after the passage and approval of this Act, the Governor of this State shall appoint some fit and qualified person Judge of the Fourteenth Judicial District.

Powers, duties, etc., of the judge.

Section 5. That the powers, duties, compensation and term of office of the Judge of the Fourteenth Judicial District shall be the same as those provided by

HeinOnline -- 1913 112 1913

law and the Constitution of the State of Montana, for District Judges.

Section 6. The provisions of this Act shall not work the removal of any Clerk of the District Court of either Meagher or Broadwater County, nor affect their salaries. Clerks of district courts of Meagher and Broadwater Counties not removed.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 8. This Act shall be in effect from and after its passage and approval.

Approved March 7, 1913.

CHAPTER 59.

"An Act to prohibit and punish lewd and lascivious acts upon or with the body of children under the age of sixteen years."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person over the age of eighteen years, who shall wilfully and lewdly commit any lewd or lascivious act, other than the acts constituting other crimes provided in Part I, Title IX, of the Revised Codes of Montana of 1907, upon or with the body or any part or member thereof, of a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person, or of such child, shall be guilty a felony, and shall be imprisoned in the state prison not exceeding five years. Lewd or lascivious acts upon or with the body of a child. Felony. Penalty.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

CHAPTER 60.

"An Act establishing and definitely defining the boundary lines of Gallatin County, Montana, and to amend Section 2801 of the Revised Codes of the State of Montana of the year of 1907 relating thereto; and to make the boundaries of Madison County, of Broadwater County, of Meagher County, and of Park County conform to the boundaries of Gallatin County as established by this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2801 of the Revised Codes

HeinOnline -- 1913 113 1913

Amending Section 2801 Revised Codes, 1907.

of the State of Montana of the year 1907, be, and the same is hereby amended to read as follows:

Gallatin County.

Section 2801. That all that portion of the State of Montana embraced within the following boundaries shall be known as, and shall be Gallatin County, in the State of Montana, to-wit:

Boundaries as changed and established by this act.

Beginning at the interesection of the Continental Devide, the same being the boundary line between the State of Montana and the State of Idaho, with what will be when it is surveyed, a line two miles East of the West line of Township 13 South, Range 3 East; thence northerly along said line to the Southwest corner of Section 33, Township 9 South, Range 3 East; thence North along the Section line to the Northwest corner of Section 4, Township 8 South, Range 3 East; thence along what will be when surveyed the West line of Sections 33, 28, 21, 16, 9 and 4, Township 7 South, Range 3 East to the Southwest corner of Section 33, Township 6 South, Range 3 East; thence North along the section lines to the Northwest corner of Section 9, Township 6 South, Range 3 East; thence North to what will be, when surveyed, the Northwest corner of Section 4, Township 6 South, Range 3 East; thence East along the First Standard Parallel South to what will be, when surveyed, the Southwest corner of Section 34, Township 5 South, Range 3 East; thence North along what will be when surveyed, the West line of Sections 34, 27, 22, 15, 10 and 3 to the Northwest corner of Section 3, Township 5 South, Range 3 East; thence North along the Section line to the Southwest corner of Section 22, Township 2 South, Range 3 East; thence West along the Section line to the Southwest corner of Section 19, Township 2 South, Range 2 East; thence north to the Southeast corner of Section 13; thence West to the Southwest corner of Section 13; thence north to the Northwest corner of Section 13; thence West to the Southwest corner of Section 11; thence North to the Northwest corner of Section 11; thence West to the Southwest corner of Section 3; thence North to the Northwest corner of Section 3, all in Township 2 South, Range 1 East; thence West to the Southwest corner of Section 33; thence North to the Northwest corner of Section 33; thence West to the Southwest corner of Section 29; thence North to the Northwest corner of Section 29;

HeinOnline -- 1913 114 1913

thence West to the Southwest corner of Section 19; thence North to the Northwest corner of Section 19, all in Township 1 South, Range 1 East; thence West along the Section line to the Southwest corner of Section 15; thence North along the Section line to the Northwest corner of Section 10; thence West along the Section line to the Southwest corner of Section 5; thence North to the Northwest corner of Section 5; thence West along the North line of Section 6 to the Northwest corner thereof, all in Township 1 South, Range 1 West; thence West along the South line of Section 36, Township 1 North, Range 2 West, to the Southwest corner thereof; thence North along the West line of said Section 36 to a point in the center of the main channel of the Jefferson River; thence down the middle of the Jefferson River to its mouth; thence down the middle of the Missouri River to the intersection with a curve line 500 feet southeasterly from the main line of the Chicago, Milwaukee and St. Paul Railroad where the same crosses the Missouri River; thence in a generally northeasterly direction 500 feet distant from and parallel to the center line of the Chicago, Milwaukee and St. Paul Railroad to the West line of Section 9, Township 4 North, Range 3 East; thence North along said West line to a point therein 500 feet distant from, in a northerly direction,—the center line of the said Chicago, Milwaukee and St. Paul Railroad; thence in a general northeasterly direction parallel to and 500 feet distant from the center line of Chicago, Milwaukee and St. Paul Railroad to the West line of Section 3, Township 4 North, Range 3 East, thence North along the West boundary of Section 3, to the Northwest corner thereof; thence East along the First Standard Parallel North to the Southwest corner of Section 34, Township 5 North, Range 3 East; thence North along the Section line to the West Quarter corner of Section 15, Township 5 North, Range 3 East; thence East along the half section line to the East Quarter corner of Section 13, Township 5 North, Range 4 East, thence North to what will be when the same is surveyed the West Quarter corner of Section 18, Township 5 North, Range 5 East; thence East through what will be, when the same is surveyed, the centers of Sections 18, 17, 16, 15, 14, and 13, Township 5 North, Range 5 East, to the West Quarter corner

HeinOnline -- 1913 115 1913

of Section 18, Township 5 North, Range 6 East; thence East along the half section line to the East Quarter corner of Section 13, Township 5 North, Range 7 East; thence South along the Township line to the Southeast corner of Township 5 North, Range 7 East; thence West along the First Standard Parallel North to the Northeast corner of Township 4 North, Range 7 East; thence South along the Township line to the Southeast corner of Township 1 North, Range 7 East; thence West along the Base Line to the Northeast corner of Township 1 South, Range 7 East; thence South along the Township Line to the East Quarter corner of Section 12, Township 3 South, Range 7 East; thence West through the center of Sections 12, 11, and 10 to the East Quarter corner of Section 9; thence South along the Section Line to the Southeast corner of Section 33, Township 3 South, Range 7 East; thence West to the Southeast corner of Township 3 South, Range 6 East; thence South to what will be when the same is surveyed the Southwest corner of Township 5 South, Range 7 East; thence West to what will be when the same is surveyed, the Northwest corner of Township 6 South, Range 6 East; thence South along what will be the Township Line, when the same is surveyed, to the North boundary of the Yellowstone National Park; thence West along the said North boundary to the Northwest corner of the Yellowstone National Park; thence South along the West boundary of the Yellowstone National Park to its intersection with the Continental Divide, the same being the boundary line between the State of Montana and the State of Idaho; thence Northwesterly along said Continental Divide to the point of beginning.

Boundaries of Madison, Broadwater, Meagher and Park Counties made to conform.

Section 2. That the boundaries of Madison County, of Broadwater County, of Meagher County, and of Park County are hereby altered so as to conform to the boundaries of Gallatin County as established by this Act in so far as Gallatin County constitutes a part of the boundaries of Madison County, of Broadwater County, of Meagher County, and of Park County.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

HeinOnline -- 1913 116 1913

CHAPTER 61.

"An Act to provide for the prevention of the introduction and spread of insect pests and diseases of horticultural and agricultural plants; and providing the penalties for violations of the provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Insect pests and diseases of horticultural and agricultural plants.

Section 1. Whenever the Governor of the State has good reason to believe that any pest, gypsy moth, brown tail moth, Mediterranean fruit fly, potato wart, potato canker, black scab, potato ellworm, pea weevil, alfalfa weevil, alfalfa blight, flax canker, or flax wilt or other fruit or plant disease or insect pest dangerous or inimical to the horticultural or the agricultural industry exists in certain localities in another State, territory or country, or that conditions exist that render domestic horticultural stock or agricultural crops or plants likely to become diseased, he must by proclamation designate such localities and prohibit the importation therefrom of any tubers, plants, nursery stock, fruit or seeds or agricultural crops, plants or seeds likely to introduce or spread infection, contagion or insect pests into the State except under such restrictions as he, after consulting with the State Board of Horticulture, the Commissioner of Agriculture or the State Entomologist may deem proper.

Governor may quarantine against affected localities or districts in any state or territory.

May be conditioned.

Governor's duty in case of existing pests dangerous to agriculture in any county or locality within this state.

Section 2. Whenever the Governor of this State has good reason to believe that any pest, gypsy moth, brown tail moth, potato wart, potato canker, black scab, potato ellworm, pea weevil, alfalfa weevil, alfalfa blight, flax canker or flax wilt or other plant disease or insect pest, dangerous or inimical to the agricultural industry, exists within any county or locality within the State, it shall be his duty to prescribe and enforce such rules, and regulations as may be necessary to circumscribe, eradicate or control such pests or disease.

Receiving in charge, shipping, selling, etc. plants, tubers, seeds, fruit etc., from prohibited district, a misdemeanor.

Penalty.

Section 3. Any person, firm or corporation who after publication of such proclamation knowingly receives in charge any tubers, plants, nursery stock, fruit, seeds or agricultural crops, plants or seeds from any of the prohibited districts and transports, conveys, sells or uses the same, within the limits of this State, is guilty of a misdemeanor and punishable by a fine of not less than ten ($10.00) dollars or more than five hundred

HeinOnline -- 1913 117 1913

Liability for damages.

($500.00) dollars, and is further liable for any and all damages and loss that may be sustained by any person by reason of the importation or transportation of such prohibited and diseased tubers, plants, nursery stock, fruits, seeds, or agricultural crops, plants or seeds.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1913.

CHAPTER 62.

"An Act to Amend Section 297 of the Revised Codes of Montana of 1907, Relating to the Compensation of the Marshal of the Supreme Court."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 297 of the Revised Codes of the State of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

Marshal of Supreme Court; salary.

Section 297. The annual salary of the Marshal of the Supreme Court for all services now required, or which may hereafter be imposed upon him by law, is Fifteen Hundred ($1,500) Dollars. When serving process of court beyond the place where the court is held, in cases in which the State is not a party, the Marshal is entitled to receive the same mileage as provided by law for sheriffs in performing similar services, to be taxed as costs, as in other cases. In cases in which the State is the real party in interest, he shall be entitled to receive only his actual expenses incurred in serving such process.

Mileage.

When state is a party to the action.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval

Approved March 8, 1913.

HeinOnline -- 1913 118 1913

CHAPTER 63.

"An Act to provide for the inspection of steamboats and all other boats propelled by machinery, sailing craft, ferry boat and barges other than private pleasure crafts, on any of the navigable waters of the State of Montana, to provide for their inspection and for the appointment of an inspector of navigation, to define his duties, to provide for his compensation, and to provide sailing rules for all such boats including pleasure crafts propelled by machinery, and for the general superintendence and control of navigation by the State Board of Railroad Commissioners: Providing Penalties for a violation of its provisions, repealing Chapter 105 of the Session Laws of the Twelfth Legislative Assembly, and all acts and parts of acts in conflict herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad commission shall appoint inspector of water crafts.

Section 1. The Board of Railroad Commissioners of the State of Montana, shall appoint some suitable person inspector of steam vessels, other boats propelled by machinery, sailing crafts, ferry boats and barges, other than private pleasure boats, on any of the navigable waters of the State of Montana. Said Inspector shall have a practicable knowledge of such boats and vessels and ferry boats as ply the navigable waters of the State of Montana, and shall be experienced in the construction and familiar with the safety appliances of all such boats and their appurtenances.

Qualification of inspector.

Annual and other inspections to be made.

Section 2. The Inspector shall annually, or as often as the Board of Railroad Commissioners may order, inspect every steamboat or other barge propelled by machinery, or sailing boat, ferry boat or barge, other than private pleasure boat, and shall examine carefully the hull of such boats and their equipment, and require such changes, repairs and improvements to be adopted and used as he may deem expedient for the safety of all such boats. He shall also fix the number of passengers that may be transported upon any boat; he shall likewise fix the number of tons of freight that may be carried upon any such boat, barge or ferry boat. He shall, whenever he deems it expedient to do so, visit any such boat and examine into its condition or their condition, for the purpose of ascertaining whether such boat or boats have a certificate from the Board of

May require improvements and repairs.

Shall fix number of passengers and of tons of freight vessels may carry.

Power to examine.

HeinOnline -- 1913 119 1913

Answer to questions by owner and persons in charge of boats, etc.

Railroad Commissioners and whether such boats are conformable to and obeying the conditions imposed by this Act and by the Board of Railroad Commissioners. The owner, master, pilot and captain or engineer of such vessel or boat shall answer all reasonable questions and give all the information in his or her possession in regard to such boat or boats, or any of them, concerning their machinery and the manner of managing said boat.

To examine life saving appliances and life boats.

The said Inspector shall examine all life saving appliances and lifeboats carried on any such vessels, steamboats or other boats propelled by machinery, as well as all ferry boats.

Report of condition.

The inspector shall report the condition of all such boats, life-saving appliances and life boats to the board of Railroad Commissioners.

Free access to be had by inspector to all such boats, and free transportation.

Section 3. The Inspector shall at all times have free access to any and all of such boats and parts thereof, and shall have free transportation thereon for the purpose of making such inspection; and he is hereby authorized, whenever in his judgment the master, owner, captain or pilot of any of the boats mentioned in this Act, has failed to comply with the provisions of this Act, or when he deems such boat unsafe, to cause the same to be tied up until such owner, master, captain or pilot shall have complied with the provisions of this Act, or until such boat shall have been made safe and seaworthy, as the case may be; and if any such master, owner, captain or pilot or any other persons shall release or cause to be released, any such boat, he shall be deemed guilty of a misdemeanor.

Has authority to have boats tied up, when.

Misdemeanor to release boat.

Railroad commissioners shall issue license to seaworthy boats, when.

Section 4. The Inspector shall report all of his findings to the Board of Railroad Commissioners of the State of Montana, which said Commission shall thereupon, if in its opinion said boat shall be seaworthy and safe for the carrying of passengers and freight, issue to such boat a certificate or permit to engage in the business of navigation on any of the navigable waters of the State of Montana, and shall likewise issue licenses to any captain or pilot of said boat, if in its judgment said captain or pilot is qualified for the duties imposed upon him by the provisions of this Act; and said Commission shall issue all rules and regulations that that may be in its judgment necesssary for the safe navigation of all steamboats all all boats propelled by machinery, sailboats, ferryboats and barges, includ-

License to captains and pilots when qualified.

To issue rules and regulations.

HeinOnline -- 1913 120 1913

ing pleasure crafts propelled by machinery navigating on any of the navigable waters of this State.

Including pleasure boats propeled by machinery.

Section 5. No greater number of passengers shall be transported upon licensed boat, steamboat or other boat propelled by machinery, or sailing-boat, or ferry boat or barge, than the number allowed in the certificate to such boat, vessel, steamboat, or other boat propelled by machinery, or sailing boat, ferry-boat or barge, and any captain, pilot, owner or engineer of such boat who shall violate any of the provisions of this Section shall be guilty of a misdemeanor and shall be punished accordingly, and shall have (at the discretion of the Board of Railroad Commissioners) his license revoked.

Number of passengers carried not to exceed number allowed in certificate.

Violation of provisions of section a misdemeanor.

Section 6. All steamboats to which this Act shall apply shall be so construted that all woodwork about the boiler, smokestack, fire-boxes, chimneys, cook-houses, stoves and stove pipes exposed to ignition shall be so shielded by some incombustable material that the air shall circulate freely between such material and woodwork or other ignitable substance, and before granting the certificate of inspection the Board of Railroad Commissioners shall require that all necessary provisions be made as it may deem expedient to guard against loss or damage by fire.

Fire protection in all boats required before a license shall be issued.

Section 7. The following rules shall be observed in navigating steam vessels, steam boats and all other boats propelled by machinery, and sailing crafts on any of the navigable waters of the State of Montana affected by the provisions of this Act.

Rules of navigation.

Rule 1. All steamboats or other boats propelled by machinery shall be equipped with either steam or compressed air whistles.

Whistles required.

Rule 2. When two boats are meeting, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

Course to be taken in "end on" meetings.

Rule 3. When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard shall keep out of the way of the other.

Crossing involving risk of collision.

Rule 4. When a steamboat or boat propelled by machinery and sailing boat are proceeding in the same direction so as to involve risk of collision, the boat propelled by machinery shall keep out of the way of the sailing craft.

Where power boats and sailing boats are proceeding in same direction, duty of power boats.

HeinOnline -- 1913 121 1913

Course and speed of boat having right-of-way.

Rule 5. When, by any of these rules one of the two of the vessels is to keep out of the way, the other shall keep her course and speed.

When boat propelled by machinery shall slacken or stop to avoid collision.

Rule 6. Every boat propelled by machinery under way and approaching another boat or vessel of any kind so as to involve a risk of collision, shall slacken her speed, or, if necessary, shall stop and reverse her engine, and every boat propelled by machinery shall, when in a fog, go at a moderate speed.

Boat in fog.

One boat overtaking another.

Rule 7. Any boat propelled by machinery overtaking another boat propelled by machinery shall keep out of the way of the last named boat.

Signal to be given by power boat traveling in same directions desiring to pass forward boat.

Rule 8. When two boats propelled by machinery are going in the same direction and the stern boat wishes to pass the other, she shall signal the forward boat of her intention to pass on the port side, by two distinct whistles, and to pass on her starboard side by one distinct whistle, which shall be answered by the forward boat by the same number of whistles, and the forward boat shall keep on her course as if no signal had been given.

Answer signal of forward boat.

Signals to be given by approaching steamers or other power boat, safety on starboard side of each other.

Rule 9. When two steamboats or other boats propelled by machinery are approaching each other, and if the course of such boats is so far on the starboard side of each other as not to be considered by the pilot as meeting end on or nearly so, or, if such boats are approaching each other in such a manner that passing is not as in Rule 2, being deemed unsafe, the pilot of one boat shall give two short and distinct blasts of his whistle, which the pilot of the other boat shall answer by two blasts of his whistle, and they shall pass to the left (on the starboard side) of each other.

Answer signal.

Shall pass on the left, or starboard of each other.

Signals by approaching boats to be given at not less than 300 yards of each other.

Rule 10. Steamboats or other boats propelled by machinery approaching each other at not less than 300 yards distance from each other shall give a signal with one loud distinct whistle.

When intended course of approaching boat is not understood pilot in doubt is to immediately signal his doubt.

Rule 11. When two steamboats or other boats propelled by machinery are approaching each other and the pilot of either boat fails to understand the course or intention of the other, whether from signals being given or answered erroneously, or from other causes, the pilot so in doubt shall immediately signify the same by giving several short blasts of his whistle, and if the boats shall have approached within 500 yards of each other, both shall immediately slow up to a

Both to slow up when.

HeinOnline -- 1913 122 1913

speed barely sufficient for steerage or until the proper signals are given, answered and understood or until the boats have passed each other.

Fog or thick weather signals.

Rule 12. When a steamboat or other boat propelled by machinery is in a fog or is in thick weather, it shall be the duty of the pilot to cause a long blast of the whistle to be sounded at intervals of not to exceed one minute.

Signals of distress.

Rule 13. Signals of distress shall be four blasts of the whistle and shall be recognized by the master of any steamboat or other boat propelled by machinery hearing the same, and he shall render such assistance as in his power.

Duty to render assistance.

Length of time boat shall have right to wharf or dock.

Rule 14. Any steamboat or other boat propelled by machinery landing at a wharf or dock, shall have the right to such wharf or dock for a period of five minutes. If detained at the wharf or dock for a longer period than five minutes, the steamboat or other boat propelled by machinery already at the wharf shall allow another steamboat or other boat propelled by machinery to land along side and discharge her passengers and freight over her deck for at least ten minutes and thereafter until the first steamboat or other boat propelled by machinery shall leave said wharf or dock.

Duty of boats detained at warf or dock.

Rule of construction.

Rule 15. In the construing of these provisions, due regard must be had for all of the dangers of navigation and to any special circumstances which may render a departure therefrom necessary in order to avoid immediate danger.

When steam or other power boat is a sail boat.

When to be considered a steam boat.

Rule 16. Every steamboat or other boat propelled by machinery which is under sail and not under steam, is to be considered a sailing vessel, and any or every vessel under steam or propelled by machinery, whether under said or not, is to be considered a steam vessel.

Boats shall conform to and obey such other rules and regulations as the railroad commission may direct.

Rule 17. All steamboats or other boats propelled by machinery licensed under the provisions of this Act or Article shall conform to and obey such other rules and regulations not inconsistent herewith as the Board of Railroad Commissioners may direct.

Duty of every boat to frame and post two copies of this section in prescribed places.

Rule 18. Every steamboat or other boat propelled by machinery on the navigable waters within the jurisdiction of this State, shall have two copies of this Section framed; one to be posted in the pilot house and the other to be hung in a conspicious place on the

HeinOnline -- 1913 123 1913

vessel for the inspection of passengers.

Lights to be carried by steam and other power boats.

Section 9. The master or pilot in charge of the steamboat, or other boat propelled by machinery, or sailing craft, when navigating any of the water of this State, shall between sunset and sunrise cause said

At foremost head.

boats to carry the following lights: First: At the Foremost head, a bright white light of such a character as to be visible on a dark night, in a clear atmospher at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an area of the horizon to twenty points of the compass, and to be so fixed as to show the light ten points on each side of the vessel, namely, from right ahead to two points abast the beam on either side.

On starboard side. Light on port side.

Second: On the starboard side a green light of such a character as to be visible on a dark night with a clear atmosphere, at a distance of at least two miles, and be so constructed as to show a uniform and unbroken light over an arc of the horizon to ten points of the compass, and so fixed as to throw the light from right ahead to two points abast the beam on the starboard side. Third: On the port side a red light of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon to ten points of the

Rear screens on red and green lights.

compass and so fixed as to throw the light from right ahead to two points abaft to the beam on the port side. The red and green lights shall be fixed with screens so as to prevent them from being seen from the rear.

Steam, power and private pleasure boats to carry force pump.

Section 10. Every steamboat or other boat propelled by machinery, other than private pleasure boats, shall be provided with a force pump or an equivalent apparatus for throwing water, and the same shall be at all times during the navigation of such boat, kept ready for use. Such pump shall be of suit-

Size and construction of pump.

able size and construction to use either in extinguishing fires or pumping water out of the boat, and shall be approved by the Board of Railroad Commisioners.

Life and other boats to be carried.

Section 11. Every steamboat or other boat propelled by machinery, and sailing craft or ferry boat affected by the provisions of this Act, shall carry on their deck, hung from davits, such lifeboats, or other boats as shall be ordered by the Board of Railroad Commissioners. And every captain shall order and hold a prac-

HeinOnline -- 1913 124 1913

tice drill for the lowering of lifeboats and fire drill at least once every month, and shall keep a record of all such drills, which record shall be kept in a convenient place on such boat and shall at all times be subject to inspection by the public.

Duty of captain to hold practice drills for lowering life boats, and fire drills.

Section 12. Every steamboat or other boat affected by this Act, shall have a life preserver for each passenger, and she shall also carry one for each of her crew. Such life preserver shall be made of good, sound cork blocks, easily adjusted to the body with belts and straps, properly attached, and so constructed as to pass the cork under the shoulders and around the body of the person wearing the same. Each life preserver shall contain at least six pounds of good cork, having a bouyancy of at least four pounds to each pound of cork. It shall be the duty of the Inspector, to satisfactorily ascertain that every life preserver is as herein required. All such life preservers shall be kept in a convenient place, accessible in case of accident, in readiness for immediate use, and the place where same are kept shall be designated in the certificate issued by the Board of Railroad Commissioners and pointed out by printed notices posted in such places as the Board of Railroad Commissioners may direct.

Number of life preservers to be carried.

Quality and kind of life preservers required.

Duty of inspector regarding life preservers.

Where life preservers shall be kept.

Section 13. The State Boiler Inspector shall inspect all steam boilers in each of the steamboats within the State.

Duty of state boiler inspector.

Section 14. Every steamboat or other boat propelled by machinery or sailing craft subject to the provisions of this Act shall have her name printed on her stern, in either black, yellow or red letters, of not less than three inches in length.

Name of boat to be printed where.

Colors of print.

Section 15. If any boat subject to the provisions of this Act shall be deprived of the services of any licensed officer without the consent, fault or collusion of the matter, owner, or person interested in such boats, the Board of Railroad Commissioners shall be notified and the deficiency may be temporarily supplied until the services of a licensed officer can be obtained.

When any boat is deprived of services of a licensed officer without fault of owner, duty of railroad commissioners.

Section 16. The owner of every steamboat or other boat propelled by machinery, sailing-boat, ferry boat or barge, subject to the provisions of this Act, shall pay the Board of Railroad Commissioners, for the use and benefit of the State, an inspection fee on such boats, as follows, to-wit: For each boat under ten tons

Inspection fee to be paid by each boat.

Gradation of fees.

HeinOnline -- 1913 125 1913

burden, Ten ($10.00) Dollars; for each boat over ten tons burden and under twenty tons burden, Fifteen ($15.00) Dollars; for each boat over twenty tons and under fifty tons burden, Twenty ($20.00) Dollars; for each boat over fifty tons and under one hundred tons burden, Twenty-five ($25.00) Dollars; and all over a hundred tons burden, Thirty ($30.00) Dollars. For each ferry boat, Ten ($10.00) Dollars, and for each barge, Ten ($10.00) Dollars.

License fees.

Section 17. For every license granted under the provisions of this Act, there shall be charged and collected from the person receiving such license, for the use and benefit of the State, the sum of Five ($5.00) Dollars, which said license shall remain in full force for one year from the date thereof.

Compensation of inspector.

When inspection for shall be paid.

Section 18. The inspector shall receive for all services by him, under the supervision of the Board of Railroad Commissioners, in full for such services as Inspector, the sum of Twelve Hundred ($1,200.00) Dollars per annum, and no other or further fee or compensation. The fees for the inspection shall be paid at the time of the inspection. All fees for licenses shall accompany the application for such license, and in case such license is not issued, the fees shall be returned to the applicant; all fees to be accounted for and paid over to the State Treasurer monthly.

Fees returned where license not issued.

License fees to be turned over to the state.

Duty of railroad commission to enforce act.

Jurisdiction to make rules and provide for safety of passengers, crew and freight.

Section 19. It is hereby made the duty of the Board of Railroad Comissioners, to enforce the provisions of this Act, and said Board of Railroad Commissioners shall have the jurisdiction to make all needful rules providing for the safety of all passengers, crews and freight traveling or being transported upon the navigable waters of this State, provided that such rules are within the provisions of this Act.

Unlawful to operate boats without first complying with the provisions of this act.

Section 20. It shall be unlawful for any person or persons to operate any steamboat or other boat propelled by machinery, sailing craft or ferry boat, or engage in the business of the navigation of boats, without first complying with the provisions of this Act.

Penalty for violating any provision of this act.

Section 21. Any persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not less than Twenty-five ($25.00) Dollars, nor more than Three Hundred ($300.00) Dollars, or imprisoned in the County Jail not exceeding six

HeinOnline -- 1913 126 1913

months; and in addition thereto the Board of Railroad Commisioners may revoke or suspend the license of any captain or pilot of any boat navigated in violation of the provisions of this Act.

License may also be revoked or suspended.

Section 22. Chapter 105 of the Session Laws of the Twelfth Legislative Assembly and all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 23. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

CHAPTER 64.

"An Act to amend Section 2082 of the Revised Codes of Montana of 1907, Relating to Legal Fences."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2082 of the Revised Codes of the State of Montana of 1907, be, and the same is hereby, amended so as to read as follows:

Section 2082. Legal fences defined.—Any one of the following, if not less than 44 inches or more than 48 inches in height, shall be a legal fence in the State of Montana:

Legal fence defined.

1. All fences constructed of at least three barbed, horizontal, well stretched wires, the lowest of which must not be less than 15 inches nor more than 18 inches from the ground, securely fastened as nearly equidistant as possible to substantial posts, firmly set in the ground, or to well supported leaning posts not exceeding twenty feet apart or thirty-three feet apart where two or more stays or pickets are used equidistant between posts; provided, that all corral fences used exclusively for the purpose of enclosing stacks which are situated outside of any lawful enclosure shall not be less than sixteen feet from such stack so enclosed, and shall be substantially built with posts not more than eight feet distant from each other and not less than five strands of well stretched barb wire, and shall not be less than five nor more than six feet high; provided further, that any kind of a fence equally as effectual for the purpose of a corral fence may be made in lieu thereof.

Requirements in legal fence.

2. All fences constructed of any standard woven wire not less than 28 inches in height securely fastened to substantial posts not more than thirty feet

Other legal fences. Woven wire fence.

HeinOnline -- 1913 127 1913

apart shall be a legal fence, provided one barbed wire shall be placed above the same at a height of not less than forty-eight inches from the ground.

Fences which shall be considered legal.

3. All other fences made of barbed wires which shall be as strong and as well calculated to protect enclosures as those above described, shall be considered legal fences.

Four board fences.

4. All other fences consisting of four boards, rails or poles with posts not over fourteen feet apart.

Natural barriers.

5. All rivers, hedges, mountain ridges and bluffs or other barrier over or through which it is impossible for stock to pass.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

CHAPTER 65.

"An Act to require railroads to maintain more than one crossing where highways or streets intersect said railroads in unincorporated cities, villages and towns of more than three hundred (300) inhabitants, and to provide crossings over public highways in certain instances in the country districts; and to compel the Board of Railroad Commissioners of the State of Montana to see that the provisions of this Act are enforced and to punish railroads for any violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad road crossings.

Section 1. It is hereby made the duty of all railroads owning, operating or using railway tracks within the State of Montana to make and maintain good and safe crossings at all places where their main lines, spurs and switches intersect or cross public highways, and also to make and maintain such crossings at more than one place in all cities, towns and villages of more than three hundred (300) inhabitants whether same are incorporated or not incorporated towns.

In cities, towns and villages more than one crossing.

Copy of petition for crossings to be sent to board of railroad commissioners.

Section 2. Whenever a petition for a crossing is signed by at least one-half of the business men residing in any town, city, or village of more than three hundred inhabitants, shall be presented to such rail-

HeinOnline -- 1913 128 1913

road, a copy thereof shall be sent to the Board of Railroad Commissioners of the State of Montana and unless said Railroad shall construct said crossing within a reasonable time, not exceeding sixty days from date of presentation of said petition it shall be the duty of said Board to investigate the facts, and if said crossing is necessary it may enforce the provisions of this act by appropriate proceedings in a summary manner;

Duty of board.

And in case crossings are ordered by the Board of County Commissioners at intersections on highways in the country districts as herein provided for, they, the Board of County Commissioners, may notify the State Board of Railroad Commissioners of the State of Montana, by a notice containing a description of the public highway together with a description of the kind of crossing desired and it shall thereupon be the duty of said State Board of Railroad Commisioners to enforce the provisions of this Act by appropriate proceedings in a sumary manner.

Crossings ordered by the board of county commissioners.

Duty of railroad commissioners.

Section 3. Any Railroad that fails or neglects to comply with the provisions of this act, or conviction thereof in a court of competent jurisdiction, shall be fined in a sum not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each offense and nothing herein provided shall exempt a Railroad from being liable in damages to persons or property injured at such crossings, either before or after notice to construct same.

If railroad fails or neglects to comply with act.

Penalty.

Not exempted from liability for injuries.

Section 4. All Acts and parts of Acts contrary to the provisions of this act are hereby repealed.

Repealing clause.

Section 5. This act shall be in force and effect thirty days after its passage and approval.

Approved March 8, 1913.

CHAPTER 66.

"An Act to amend Section 110 and 111, of the Revised Codes of Montana of 1907, relating to form of ballot to be prepared and voted when Initiative and Referendum measures are to be submitted to the voters."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 110, Revised Codes of Montana of 1907, be, and the same is, amended to

HeinOnline -- 1913 129 1913

Amending Section 110, Revised Codes.

read: "Section 110. The Secretary of State, at the same time that he furnishes to the County Clerk of the several counties certified copies of the names of the candidates for office, shall also furnish the said county clerks his certified copy of the titles and numbers of the various measures to be voted upon at the ensuing general or special election, and he shall use for each measure, a title designated for that purpose by the legislative assembly, committee, or organization presenting and filing with him the act, or petition for the Initiative or the Referendum or in the petition or Act; Provided, that such title shall in no case exceed 100 words, and shall not resemble any such title previously filed for any measure to be submitted at that election which shall be descriptive of said measure, and he shall number such measures; and such title shall be printed on a separate official ballot in the order in which the acts referred by the legislative assembly and petitioned by the people shall be filed in his office."

Secretary of State shall furnish county clerk with certified copies of titles of various measures to be voted on.

Title to be used.

Title not to exceed 100 words and not resemble other titles.

Titles to be numbered how, and printed on separate ballots.

The first measure filed after this act shall go into effect shall be numbered number 6, and the next succeeding measures shall be numbered in numerals consecutively 7, 8, 9, and so on from one election to another, no measure to be numbered with the same number of any other measure.

How measures shall be numbered hereafter.

The affirmative and negative of each measure shall have the same number.

Same number for affirmative and negative.

It shall be the duty of the several county clerks to print said titles and numbers upon a separate official ballot in the order presented to them by the Secretary of State and the relative position required by law.

Duty of county clerks.

Measures proposed by the Initiative shall be designated and distinguished from measures proposed by the legislative assembly by the heading "Proposed Petition for Initiative."

Designation of initiative measures.

Section 2. That Section 111, Revised Codes of Montana of 1907 be, and the same is, amended to read: "Section 111. The manner of voting on measures submitted to the people shall be: By marking the ballot with a cross in or on the diagram opposite and to the left of the proposition for which the voter desires to vote. The following is a sample ballot representing negative vote:

Amending Section 111, Revised Codes.

How ballots shall be marked by voter.

HeinOnline -- 1913 130 1913

Sample of negative ballot.

☐ For Initiative Measure No. 6
Relating to duties of Sheriffs

☒ Against said measure No. 6

☐ For Referendum Measure No. 7
Relating to Purchase of Insane Asylum

☒ Against said Measure No. 7."

and no title on a ballot shall contain more than ten words, which shall be descriptive of the measure proposed. Limit of title on ballot.

Section 3. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed. Repealing clause.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved March 8, 1913.

CHAPTER 67.

"An Act to Establish and Locate the Northern Montana Agricultural and Manual Training School, and an Agricultural Experimental Sub-Station in connection therewith; appropriating money to pay the United States Government for the land upon which the same is to be situated, and to start and initiate said Institution."

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble. Whereas there is now pending in the Congress of the United States a certain bill for an Act providing, among other things, that if the State of Montana shall agree to establish and maintain an agricultural, manual training, or other educational or public institution, upon a section of land upon which the buildings at Fort Assinniboine are located, the President of the United States is authorized to grant the lands and buildings to the State on payment of two dollars and fifty cents per acre; and whereas said buildings alone cost almost one million dollars to erect and construct, and delay would result in their deterioration:

Section 1. The Northern Montana Agricultural and Manual Training School is hereby established, to be located on the Fort Assinniboine military reservation The Northern Montana Agricultural and Manual Training School established and located

HeinOnline -- 1913 131 1913

Incorporation of.

aforesaid. It is hereby declared to be a body politic and corporate with power to sue and be sued, and receive property by gift, purchase, devise or bequest.

Object of institution and course of training.

It has for its object instruction and education in the English language, literature and mathematics, mechanic arts, agricultural chemistry, animal and vegetable anatomy and physiology, and veterinary art, entomology, geology, and such other natural sciences as may be prescribed by the State Board of Education, political, rural and household economy, agriculture, horticulture, moral philosophy, history, bookkeeping and especially the application of science and the mechanical arts to practical agriculture in the field, and irrigation and use of water for agricultural purposes; also all that relates to an efficient, modern manual training school.

Control and supervision

Section 2. The control and supervision of such school is vested in the State Board of Education which may prescribe all rules and regulations therefor; and which shall take possession and control of the lands and buildings herein mentioned, within ten days after the State of Montana shall become the owner thereof, and proceed to carry out the provisions of this Act, so far as it relates to their duties.

To take possession when.

Agricultural experimental sub-station to be established with school.

Section 3. There is also established and shall be located on the lands and in the buildings aforesaid in connection with such Agricultural School, an Agricultural Experimental Sub-Station to aid in acquiring and diffusing among the people of the State of Montana useful and practical information on subjects connected with field agriculture, and to promote scientific investigation and experiments respecting the principles and application of agricultural science, which experimental sub-station is established and under the direction of the Directors of the Montana Agricultural Experiment Station, located at Bozeman, Montana, and under the general control of the State Board of Education.

Objects.

Sub-station to be under directions of whom.

State board of education empowered to accept gifts of money, etc., for what purposes.

Section 4. The State Board of Education is hereby authorized and empowered to accept such gifts of money or other property as may be tendered to aid in repairing such buildings as are now located at Fort Assinniboine, and putting the same in condition to carry out the purposes of this Act and for instal-

HeinOnline -- 1913 132 1913

ling the necessary apparatus to initiate the work of said school.

How and by whom an executive board shall be appointed.

Section 5. The State Board of Education, by and with the approval of the Governor, shall designate and appoint an executive board, consisting of three members, at least two of whom shall be residents of Hill county, and the principal of the school which executive board shall have the immediate direction and control of the affairs of said school, subject only to the general supervision and control of the State Board of Education. The members of said executive board shall serve during the term of the State Board of Education, unless sooner removed by the Governor, with or without cause.

Qualification and powers.

Term of members.

Appointment of principal and faculty.

Section 6. The executive board is authorized to choose and appoint a Principal and faculty of said school, who shall serve for such time and receive such compensation as the executive board may prescribe, subject to the approval of the State Board of Education.

Secretary of executive board to be also treasurer.

Section 7. The executive board shall appoint a Secretary thereof, who may also act as treasurer of said board and who may not be a member thereof, and such secretary and treasurer shall give bond, with good and sufficient surety or sureties, to be approved by the executive board, for the faithful performance of his duties, and for the faithful accounting for and paying over to the State Board of Education, to and for the use of said school, all moneys received by him as treasurer, in such sum as said State Board of Education shall prescribe.

Official bond.

Appropriation for this purchase of lands.

Section 8. The sum of five thousand ($5,000) dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay for the lands herein mentioned to the Government of the United States, and the State Auditor is authorized to draw his warrant therefor and the State Treasurer is hereby authorized and directed to pay for said lands, at the rate of two dollars and fifty cents per acre, whenever the President of the United States shall grant the same to the State of Montana in accordance with the Act of Congress hereinbefore referred to, the Governor is hereby directed to accept said lands when granted by the President.

HeinOnline -- 1913 133 1913

Appropriation for equipment and maintenance of the experimental sub-station.

Section 9. The further sum of five thousand ($5,000) dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, which money shall be expended under the directions of the State Board of Education for the equipment and maintenance of an Experimental Sub-Station at Fort Assinniboine and to take advantage of the offer of the Government of the United States, to donate the buildings thereon to the State of Montana.

Repealing clause.

Section 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 11. This Act shall be in full force and effect on and after the 4th day of July, 1913.

Approved March 8, 1913.

CHAPTER 68.

"An Act to Compensate Owners of Tubercular Cattle, Glandered Horses and Horses Afflicted with Dourine, when said Live-stock are Killed according to Law, and Making Appropriations therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Compensation to owners of slaughtered diseased live stock.

Section 1. That owners of tubercular cattle, glandered horses and horses afflicted with dourine that shall hereafter be killed, as provided by law, shall have recompense therefor as herein provided.

Compensation to be paid from what funds.

Section 2. That said recompense shall be paid, one-half from the funds, by this Act appropriated, and one-half from the general funds in the County where said animals are killed.

Valuation of animals ordered killed.

Section 3. When the State Veterinarian, or his Deputy, has deemed it advisable to slaughter such animals, as provided by law, the valuation of such animals so ordered to be killed shall be the actual full assessed valuation thereof as shown on the last preceeding assessment roll of the County in which such stock were assessed. Provided, however, that if any animals so ordered to be slaughtered shall not appear on the assessment roll as having been assessed for taxation the last preceeding year, the owner thereof, shall be entitled to no compensation therefor.

No compensation for unassessed stock.

Proof of claims for slaughtered animals; where filed.

Section 4. Claims against the State and County arising from the slaughter of animals as herein provided, shall be made by filing with the State Auditor

HeinOnline -- 1913 134 1913

and also. with the Board of County Commissioners, an affidavit from the owner that the animal has been killed and buried in accordance with law and a certificate by the State Veterinarian that such animal or animals were ordered to be slaughtered; together with a certificate from the County Assessor of the County where such animals have been assessed. The State Auditor shall examine the same and if found correct, he shall issue a warrant on the State Treasurer for 50 per cent of the sum named in the return, and the Board of County Commissioners shall audit and cause to be paid 50 per cent of the sum named in the return, from the general fund of the County in which said animals were killed.

Duty of state auditor.

Duty of county commissioners.

Section 5. This Act shall not apply to animals that may be killed and found to be healthy, and the law relative to the killing of healthy animals, as now exsisting, shall prevail and remain in full force and effect, notwithstanding the provisions of this Act.

Act not applicable to slaughtered healthy animals.

Section 6. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Eight Thousand ($8,000.00) Dollars for the year ending March 1st, 1914, and the sum of Six Thousand ($6,000.00) Dollars for the year ending March 1st, 1915.

Appropriation.

Section 7. All Acts and parts of Acts conflicting herewith are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after its approval.

Approved March 10, 1913.

CHAPTER 69.

"An Act to Amend Sections 1, 2, 3 and 4, of Chapter 116 of the Montana Session Laws of 1911, Relating to the Establishment of a State Board of Poultry Husbandry, Providing the Duties of such Board, and Appropriating money therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 116 of the Laws of 1911, be amended so as to read as follows:

Appointment of state board of poultry. Husbandry.

Section 1. That the Governor of the State of Montana shall appoint a Board as soon as possible after the passage of this Act to be known as the State Board of Poultry Husbandry. Said Board shall consist of

HeinOnline -- 1913 135 1913

three members, one (1) member of said Board shall serve for a term of one (1) year; One (1) member of said Board shall serve for a term of two (2) years; and one (1) member of said Board shall serve for a term of three (3) years, and at the expiration of their respective terms of office, the Governor shall appoint a successor for the term of three (3) years, or until their successors are appointed and qualified.

Members and terms of office.

Section 2. That Section 2 of Chapter 116 of the Laws of 1911 be amended so as to read as follows:

Section 2. That said Board shall investigate and bring to the attention of those engaged in agriculture, and others, the value and importance of poultry raising in the State of Montana, and publish for free distribution reports and bulletins pertaining to the advancement of Poultry Husbandry. Said Board shall supervise and further local poultry associations, and shall supervise the holding of an annual State Poultry Exhibition.

Duties of board.

Section 3. That Section 3 of Chapter 116 of the Laws of 1911 be amended so as to read as follows:

Section 3. The said Board shall serve without pay, and shall submit an annual report in writing to the Governor on or before the 20th day of December of each year. The said Board shall be empowered to appoint a Secretary at a salary not to exceed One Hundred Twenty ($120) Dollars per annum. It shall be the duty of said Secretary to attend the meetings of local Poultry Associations and supervise same when the Board deems fit.

Board to receive no compensation.

Annual report.

Secretary and salary.

Section 4. That Section 4 of Chapter 116 of the Laws of 1911 be amended so as to read as follows:

Section 4. That the sum of Five Hundred ($500.00) Dollars, or as much thereof as may be necessary, be, and the same is, hereby appropriated, which sum shall be used for the payment of the salary of the Secretary of said Board for the purposes of paying per diem and expenses of the Secretary when traveling, in a sum not to exceed Five ($5.00) Dollars per day, and the securing of data and information, and for the publication and free distribution of reports and bulletins on poultry husbandry and also for the providing of suitable coops and fixtures for holding an annual poultry exhibition, and for the purposes of conducting and maintaining an annual State Poultry Exhibit.

Appropriation.

Use of fund.

HeinOnline -- 1913 136 1913

Section 5. All Acts and parts of Acts in conflict herewith, or inconsistent with the provisions of this Act, are hereby repealed. Repealing clause.

Section 6. This Act shall be in full force and effect from and after the date of its final passage.

Approved March 10, 1913.

CHAPTER 70.

"An Act directing the State Treasurer to transfer from the general fund of the State of Montana the sum of $19,372.32 to the Agricultural College of Montana Income Fund."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Treasurer of the State of Montana, be and is hereby authorized and directed to transfer from the general fund of the State of Montana to the Agricultural College of Montana Income Fund, the sum of Nineteen Thousand, Three Hundred Seventy-two Dollars and thirty-two cents, to reimburse said income fund for moneys heretofore taken therefrom for the administration of the land grants of said Agricultural College for the fiscal years 1897 to and including the fiscal year 1912. Providing for the transfer of funds from General to Agricultural College Income Fund.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1913.

CHAPTER 71.

"An Act to license motor vehicles, providing for the collection of said license and fixing the penalty for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of raising revenue for the constructing, maintenance, and improvements of public highways, every person now owning any motor vehicle, other than traction engines, road-rollers and vehicles running on rails or tracks shall, within sixty days after the passage and approval of this Act, and every person hereafter acquiring such vehicle shall within thirty days after such acquisition, procure from License for motor vehicles for road purposes. When license to be procured.

HeinOnline -- 1913 137 1913

the county treasurer of the county in which he resides, a license for each of such vehicles owned by him, and shall hereafter pay a license upon such vehicle as follows:

Fee for vehicles having less than four wheels.

Five dollars ($5.00) per annum for each of such vehicles having less than four wheels.

Fee for four-wheeled vehicle rated up to 20 horsepower.

Ten dollars ($10.00) per annum for all such vehicles having four or more wheels, rated up to and including twenty (20) horsepower.

Rated from 20 to 30 horsepower.

Fifteen ($15.00) per annum for each of such vehicles over twenty (20) horsepower rated up to and including thirty (30) horsepower.

Having over 30 horsepower.

Twenty dollars ($20.00) per annum for each of such vehicles over thirty (30) horsepower, which said license shall be payable on the first day of January of each year, or within thirty days after the acquisition and ownership of any such vehicle, provided that said license shall be in lieu of all licenses that may now be levied by town, city, county or state and provided further that said license shall follow the ownership of said vehicle until the expiration date of same.

License due January 1st, annually.

In lieu of all other licenses.

Duty of county treasurer.

Section 2. It is hereby made the duty of the county treasurer of each county to collect all moneys under the provisions of this act and issue receipts for the payment thereof. All moneys so collected shall be divided as follows one-half to the general road fund of the county in which said license was collected and one-half to the State Highway Fund.

How money to be divided.

Report of county treasurer and remittances to state treasurer.

Section 3. The county treasurer of each county, shall, quarterly, make a report of all such licenses collected by him and transmit, together with such report, all funds collected by him under this Act and belonging to the said State Highway Fund, to the State Treasurer, who shall pass the same to the credit of the State Highway Fund.

Misdemeanor to operate machine on public highway without obtaining license.

Section 4. Any person who shall use or operate any motor vehicle on a public street, alley, road or highway, without first having paid such license as provided in this Act, shall be guilty of a misdemeanor, and such license shall be a first lien upon any such vehicle for which such license shall not have been paid.

Lien of license.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 6. This Act shall take effect from and

HeinOnline -- 1913 138 1913

after its passage and approval by the Governor.

Approved March 11, 1913.

CHAPTER 72.

An Act to enact a General Highway Law, providing for the classification and permanent improvement of the public highways, and repealing Sections 1337, 1338, 1340, 1341, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454, and 1456 of the Revised Codes, and also repealing that certain Act approved March 2, 1909, entitled, "An Act to provide for the permanent improvement of the main highways by extension of county aid for such purposes, to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefited thereby for the payment of a part of the cost thereof," and repealing that certain Act approved March 8, 1909, entitled, "An Act placing the highways and bridges in counties of the first class under the supervision and control of the county surveyor, defining his power and duties, fixing his compensation and abolishing the office of road supervisor in counties of the first class."

Be it enacted by the Legislative Assembly of the State of Montana:

Chapter I.

Enumerations and Definitions.

The General Highway Law.

Section 1. This Act shall be known as "The General Highway Law."

"Highway" deemed to include what.

Section 2. Within the meaning of this Act a highway shall be deemed to include its necessary embankments, retaining walls, culverts, sluices and drains, and a bridge shall be deemed to include its approaches, abutments and piers.

"Public Highways" defined.

Section 3. All highways, roads, lanes, streets, alleys, courts, places and bridges laid out or erected by the public or now traveled or used by the public, or if laid out or erected by others, dedicated or abandoned to the public, or made such by the petition of real property are public highways.

HeinOnline -- 1913 139 1913

Classification.

"Common Highways."

"Main Highways."

Section 4. Public Highways in this State shall hereafter be classed as Common Highways, Main Highways, and State Highways. All highways which are not established or improved in the manner hereinafter provided for Main Highways. or State Highways, shall be common highways. Main Highways, shall be such as are established or improved in the manner provided by Chapter IV of this Act.

Public highways to remain such until abandoned as herein designated.

Due notice and hearing before abandonment.

State highway can be abandoned how.

Section 5. All public highways once established must continue to be public highways until abandoned by operation of law, or by judgment of a court of competent jurisdiction, or by order of the board of county commissioners of the county in which they are situated; but no order to abandon any main highway shall be valid unless preceded by due notice and hearing as provided in this Act; and no state highway can be abandoned except on the joint order of the board of county commissioners and the state highway commission.

Width of public highways.

Width of private highways and by-roads.

Requirement not applicable to established highways.

Section 6. The width of all public highways, except bridges, alleys, lanes, must be sixty (60) feet unless a greater or less width is ordered by the board of county commissioners on petition of the person interested. The width of all private highways and by-roads, except bridges, must be at least twenty (20) feet. Nothing in this Act must be construed as to increase or diminish the width of either kind of a highway already established or used as such.

What public acquires in taking or accepting lands for highways.

Section 7. By taking or accepting land for a highway the public acquires only the right of way and the incidents necessary to enjoying and maintaining the same subject to the regulations in this Act and the Civil Code provided.

Chapter II.

Taxation and Revenue.

Road tax levy.

Section 1. For the purpose of raising revenue for the construction, maintenance, and improvements of public highways, the Board of County Commissioners in each county in this state shall annually levy and cause to be collected a general tax upon the taxable property in the county of not less than two mills, nor more than five mills on the dollar which shall be payable to the County Treasurer with other general taxes.

Road poll tax established.

There is also established a general road tax of two ($2.00) Dollars per annum on each male person over

HeinOnline -- 1913 140 1913

the age of twenty-one (21) years and under the age of fifty (50) years resident within the County on the first day of March, which shall be due and payable by each person liable therefor at any time within the year when demanded by the county treasurer, or his deputy; provided that the foregoing provisions of this section shall not apply to incorporated cities and towns which by ordinance provide for the levy and collection of a like general tax, and a like special tax, within such cities and towns for road, street and alley purposes. All moneys collected under the provisions of this Act shall belong to the general road fund of the county.

When poll tax due.

Provisions of this section not applicable to certain cities and towns.

Moneys collected hereunder to be long to county general road fund.

Section 2. Wherever in the judgment of the Board of County Commissioners of any county, it becomes necessary or advisable for the construction or improvement of any Main Highway or State Highway therein to raise revenue in addition to that furnished by the taxes and licenses authorized by this Act, it shall be lawful for such board to issue on the credit of the County, coupon bonds to such amount as said Board may find necessary, provided that such Bonds shall not, together with all other outstanding indebtedness of the County exceed five per centum of the value of the taxable property within such county, to be ascertained by the last preceding general assessment therein and provided further that such proceedings be had prior to and in the issuance of such bonds, as is required in the case of other County Bonds, by Articles III and V of Chapter II, Title II, Part IV of the Political Code.

County may issue main and state highway bonds for purposes. when.

Limit to county indebtedness.

Indebtedness to be ascertained, how.

Proceedings required in issuing bonds.

Section 3. Every employer having in his or its employment any person or persons liable for the special road tax of Two ($2.00) Dollars mentioned in this Act, must, on or before the third Monday of March in each year and monthly thereafter until the first day of October, furnish to the County Treasurer a complete list of all the persons so employed and if any such employer shall neglect or refuse to furnish such list, he shall forfeit to the county in which said road tax is collectable, the sum of Fifty ($50.00) Dollars to be recovered by an action brought in the name of the State in any Justice Court of such County, and the further sum of Fifty ($50.00) Dollars for each refusal or neglect to furnish such list after any demand shall

Lists of employees liable for road tax to be furnished county treasurer.

Penalty for refusing to furnish list.

Repeated offense.

HeinOnline -- 1913 141 1913

Treasurer to furnish employer road tax receipt books.

have been made by the County Treasurer therefore upon the receipt of said lists it shall be the duty of said County Treasurer to furnish to said employer furnishing such lists printed special road tax receipt books with proper stubs containing memorandum of name, amount and date attached.

County treasurer to give employer written notice when.

Section 4. If any person required to pay the special road tax mentioned in this Act does not pay the same and has no property subject to taxation and the person owing the same is in the employment of any other person, the County Treasurer must deliver to the employer a written notice, stating the amount of tax due for such employee, and from the time of receiving said notice the employer is liable to pay said tax, and the tax so paid may be deducted by such employer from the amount then due or to become due to such employee.

Liability of employer.

Chapter III.

Road Districts and Duties of Officers.

Duty of county clerk to include what in minutes of county commissioners.

Section 1. The County Clerk must include in the minutes of the Board of County Commissioners all proceedings and orders of the Board relative to each highway within the County; the County Surveyor must keep a road plat book or books in which must be entered the number and name of each public highway in the County a general reference to its terminal points and course; also the date of the filing of the petition or other paper, a memorandum of every subsequent proceeding in reference to it with the date thereof and the volume of the plat book, or books where it is recorded.

Road plat books to be kept by county surveyor.

Other duties of surveyor.

County commissioners have general supervision of all highways in the county.

Section 2. The Board of County Commissioners of the several Counties of the State have general supervision over the highways within their respective Counties. They must:

Duties of county commissioners.

1. Keep the County divided into suitable road districts; place each of such road districts in charge of a competent road supervisor and order and direct each of such supervisors concerning the work to be done upon the public highway in his district;

Districts and supervisors.

2. Provide suitable plat books and have recorded therein a description of every public highway within the county and of all other proceedings with reference to the same.

Plat books and contents thereof.

3. Cause to be surveyed, viewed, laid out, recorded,

HeinOnline -- 1913 142 1913

opened, worked and maintained, such highways as are necessary for the public convenience. as in this Act provided; and cause to be erected and maintained thereon guide posts, as provided in this Act.

Duties regarding highways.

Guide posts.

4. Abolish or abandon in the manner provided in this Act such public highways as are not necessary for the public convenience.

To abolish highways, when.

5. Contract, agree for, purchase or otherwise lawfully acquire the right-of-way over private property for the use of public highways, and for that purpose institute, when necessary, proceedings under Title VII Part III of the Code of Civil Procedure, paying for such right-of-way from the general road fund of the County.

To acquire right-of-way for public highways.

6. In their discretion, but subject to the limitations and provisions in the Constitution and Revised Codes provided, issue bonds upon the faith and credit of the County for the construction or improvement of Main Highways, State Highways and bridges.

To issue bonds for main and state highway purposes, when.

7. In their discretion, but subject to the limitations and restrictions provided in the Revised Code for the letting of public contracts, let out by contract the construction, maintenance and improvement of the public highways, and the construction, maintenance or repairs, of bridges, when the amount of work to be done exceeds the sum of One Thousand ($1,000.00) Dollars.

To let out by contract, the construction, maintenance of public highways, bridges, etc.

8. Cause to be done whatever may be necessary in their judgment and discretion, for the best interests of the roads and road districts of their several counties.

General power to effect purposes of act.

9. Make such reports relating to the county roads under their supervision to the State highway commission as may be requested by said Commission.

Reports to the state highway commission.

10. Employ a competent road builder who shall be paid for his services. not to exceed $7.00 per day; who shall serve during the pleasure of the board; whose duty it shall be, under the direction and control of said board, to prescribe the time and place, when and where, all work shall be done on the roads of the county; Report any delinquency or any inefficiency of any road overseer or any other person employed upon such roads, to the Board of County Commissioners, and perform such other duties as may be prescribed by said board.

Road builders to be employed; salary of.

Duty of road builder.

HeinOnline -- 1913 143 1913

May purchase what machinery.

Section 3. The Board of County Commissioners may also, in their discretion, out of the general road fund of the county, purchase and operate grading and rock-crushing machinery that they may deem necessary or desirable for the improvement of the public highways in the County, and may also acquire, out of the same fund by purchase, condemnation, lease or gift, deposits or quarries of suitable road building material; and any crushed rock or gravel not directly used or needed by such county in the construction, repair or maintenance of its roads, may be sold at not less than actual cost of production to any person, firm or corporation, desiring to use the same upon any public street or highway within the County and the proceeds of any such sale shall be paid into the general fund.

Quarries, deposits material, etc.

May sell what materials.

Road supervisors to serve, how long and when.

Section 4. Road Supervisors shall serve during the pleasure of the Board of County Commissioners and shall in all things be under the direction and control of said Board; every Road Supervisor must, before entering upon the duties of his office be a resident elector of the road district for which he is appointed and must file with the County Clerk the customary oath of office together with a bond approved by said Board for the faithful performance of his duties. As compensation for his services he shall receive not less than Two ($2.00) Dollars nor more than Four ($4.00) Dollars per day for eight hours labor, but the time taken in going to or from his home to the place of labor shall not be included within such period of eight hours.

Qualifications.

Oath of office and bond.

Compensation of road supervisor.

Duties of road supervisors.

Section 5. Road Supervisors under the direction and the supervision of the Board of County Commissioners must:

1. Take charge of all the highways, bridges, and causeways within their respective districts; open all new roads when the same are duly established and ordered to be opened by the Board of County Commissioners; perform at the time and in the manner directed by the Board of County Commissioners whatever shall be lawfully directed by the Board concerning the public highways within their respective districts.

Quarterly reports.

2. Make and file with the County Clerk verified reports quarterly, or oftener if required by the County Commissioners, showing the number of days they have

HeinOnline -- 1913 144 1913

been employed during the previous three months and when and how employed; the number of days labor performed upon the public highways in their respective districts, when and by whom performed the character and kind of work done and the wages agreed to be paid per day; the number of teams and implements and the amount, value and kind of material used, by whom and where used and the price agreed to be paid therefor; the number and character of all the tools and implements belonging to the County within their respective districts.

Keep financial accounts, of what.

3. Keep a correct account of all labor performed and animals, implements or material furnished by himself or others upon the public highways and give to persons performing such work or furnishing such animals, implements or materials, a certificate stating the number of days work performed, the character and kinds of such work and the price agreed to be paid therefor; and the number of days any animals or implements have been used and the price to be paid therefor and the amount and character of all material furnished.

To give certified statements of work done, materials, etc., furnished.

May employ laborers, teams, etc., and contract, when and for what purposes.

Section 6. Whenever it becomes necessary for any Road Supervisor in the construction or repairing of any public highway in his district to secure the assistance of other persons he shall be empowered to employ suitable laborers teams, and implements and to contract as to the price to be paid therefor, which must not exceed the rate of Four ($4.00) Dollars per day of eight hours for each person and Six ($6.00) Dollars per day of eight hours for man and team; but the time taken by such person or teams in going to and from the place of labor shall not be included within such period of eight hours.

Maximum prices to be paid for teams and drivers.

Time going and coming to work not included in day's work.

Duty of district road supervisor in removing obstructions and repairing bridges.

Section 7. Whenever any public highway becomes obstructed from any cause, or any bridge needs repairing or becomes dangerous for the passage of teams or travelers, the supervisor of the road district upon being notified thereof, must forthwith cause such obstruction to be removed, or bridge repaired, for which purpose he may order out such number of inhabitants of his district as may be necessary to aid in removing such obstruction or repairing such bridge; or if any person after three days notice, whether said notice be oral or written who being physically able to re-

May order out necessary number of inhabitants.

Misdemeanor for any person to refuse to come out after notice, and obey directions.

HeinOnline -- 1913 145 1913

spond, shall fail to be present at the time and place designated by the supervisor, or who, having attended, refuses to obey the direction of the supervisor, or passes his time in idleness, or inattention to the duty assigned him, shall be liable to punishment as for a misdemeanor. Provided, that every person responding to any such order and performing the duties assigned him, shall be compensated for his labor at the rate not to exceed Four ($4.00) Dollars per day of eight hours, the time taken in going to and from the place of labor, not included.

Compensation for work done under this section.

Section 8. The amount of expenditures in any road district for labor and teams together with the compensation to be paid to the supervisor shall not exceed in the aggregate the sum apportioned quarterly by the Board of County Commissioners to such road district, but if such sum is not sufficient, said Board may appropriate from the General road fund any amount which may be necessary in their judgment for the use and benefit of such district.

Limitation of amount to be expended in road district.

When amount not sufficient.

Section 9. The Board of County Commissioners at the first monthly or quarterly meeting held after the filing of any supervisor's report must examine the same and if found correct and the work reported to have been done was necessary and properly done, cause an order to be drawn on the County Treasurer against the road fund for the amount due any Road Supervisor for his services; and upon the presentation of any certificate issued by Road Supervisors for labor performed by others and the verification by the owners thereof, as in other cases of claims against the County, the Board shall cause to be issued to the owner or holder of such claims, a warrant for the amount thereof, drawn on the County Treasurer against the road fund.

Duty of county commissioners in settling accounts of supervisors, and others, and the payment of road claims.

Section 10. The Road Supervisor has authority to open or construct drains and ditches for the making and preserving of roads and highways, doing as little injury as may be to the adjoining land, and any person stopping or obstructing the drains or ditches so made, forfeits the sum of Fifty ($50.00) Dollars, to be recovered by the Supervisor in a civil action in any court of competent jurisdiction. If any person feels aggrieved by the act of any supervisor he may make complaint in writing to the Board of County Commis-

Road supervisor has authority to construct drains and ditches, how and when.

Penalty for stopping or obstructing drains or ditches.

Complaint to county commissioners of act of supervisor.

HeinOnline -- 1913 146 1913

sioners who will allow just damages and pay the same out of the road fund.

Implements to be furnished to road supervisor.

Section 11. Upon the requisition of any Road Supervisor, the Board of County Commissioners shall, whenever necessary, furnish to such Supervisor any plows, scrapers, or other tools and implements necessary for the use of his road district and cause the same to be paid for out of the general road fund of the County. The Supervisor must preserve such tools and implements, and must not allow the same to be used except on public highways; at the expiration of his term of office or upon his removal therefrom, he must turn over all such tools and implements to his successor or to the Board of County Commissioners.

Care of tools and implements.

Supervisors to deliver same to successor.

Condition of highways and bridges to be inspected by whom, before payment therefor.

Section 12. The Board of County Commissioners, shall by order direct the County Surveyor, or some member or members of said Board, or both the County Surveyor and some member or members of said Board, to inspect the condition of any highway or bridge in the County, and the work done thereon, before payment therefor.

Compensation of member inspecting road or bridge and traveling expenses to be paid.

Section 13. Such member or members of said Board shall receive for making said inspection the sum of Eight ($8.00) Dollars per day, and actual traveling expenses, and the County Surveyor shall receive for making said inspection and for all other work performed for the County, the sum of seven ($7.00) Dollars per day and actual traveling expenses; which same must be in full payment for mileage, expenses and per diem for the services aforesaid, and shall be audited and allowed in the same manner as any other claim against the County.

Compensation of county surveyor.

Minute entry of inspection to be made, by whom.

Section 14. The County Surveyor, or such member, or members of said Board, when they act jointly, must, at the next regular meeting of the Board, make a minute entry of each inspection.

Chapter IV.

Common Highways.

Who and what number may petition county commissioners to establish, change or discontinue any common highway.

Section 1. Any ten, or a majority, of the free holders of a road district, taxable therein for road purposes, may petition in writing, the Board of County Commissioners to, establish change or discontinue any common highway therein. When such a highway is petitioned for upon the dividing line between two counties, the same course must be pursued as in other

HeinOnline -- 1913 147 1913

Highway is on dividing line between two counties.

cases, except that a copy of the petition must be presented to the Board of County Commissioners of each County, who may appoint viewers to act jointly and the viewers so appointed must report their findings to both Boards.

What petition must set forth.

Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for, and advantage of the proposed road.

Commissioners to fix time for reviewing common highway when.

Section 3. When any such petition is filed, the Board of County Commissioners at its next regular meeting may fix a time for viewing of such proposed road, and may appoint and cause to be notified three disinterested free-holders of the County, one of whom shall be the County Surveyor, who shall act as viewers, or may visit such roads themselves. The persons so appointed must, at the time designated by the Board, proceed to the discharge of their duties, taking an oath or affirmation before entering upon the same, that they will faithfully and impartially discharge such duties according to law; such oath or affirmation may be administered by any proper officer, or by any one of the viewers who has been previously sworn by a proper officer. The viewers, except the County Surveyor or surveyor designated in his stead, shall receive as compensation not to exceed Five ($5.00) Dollars each day for their services out of the road fund of the County; the surveyor serving instead of the County Surveyor shall receive the same compensation as may be provided for the County Surveyor, for like services.

May appoint three viewers.

Duty of viewers.

Oath to be taken.

Who may administer oath.

Compensation of viewers.

Refusal of person appointed as viewer, or surveyor of any road, to act a misdemeanor.

Penalty.

Section 4. Any person who shall be appointed by the County Commissioners as a viewer, reviewer or surveyor of any road, who shall refuse or neglect to act as such without making to said Board satisfactory excuse for such refusal or neglect, shall be guilty of a misdemeanor and be subject to a fine of not exceeding Fifty ($50.00) Dollars.

Duty of viewers.

Section 5. It shall be the duty of the viewers to view and lay out the proposed road or change over the route and in the manner proposed; but they may

HeinOnline -- 1913 148 1913

also in their discretion or by order of the County Commissioners investigate and consider feasibility and cost of any other route than the one petitioned for which would serve the same purpose. They must notify all resident owners or agents of land over which the proposed road or change passes; ascertain whether the resident owners consent thereto, and the amount, if any, they claim or demand for the right of way over which it passes, together with the cost of additional fencing and of any bridging or grading necessary; the necessity for, or the public convenience to be subserved by the proposed road or change and whether, in their opinion such proposed road should be opened or such change be made. When their view is completed the viewers must report to the Board of County Commissioners;

Must report to county commissioners.

Contents of viewers report.

1. The course, termini, length and probable cost of construction of the proposed highway or change.

2. The estimate of damages to the owners of any lands over which it is proposed to run the highway, or that may be affected by the proposed change, including the cost of any additional fencing required.

3. The names of land owners who consent to give the right-of-way, with their written consent thereto.

4. The names of those who do not consent, the amount of damages claimed by each, and when there are non-resident land owners and no agent upon the land whom notice can be served, such non-resident land owners must be considered as non-consenting, unless their written consent is obtained.

5. The feasibility, desirability, and cost of any other route or change serving the same purpose, with the necessity for a greater, or the practicability of a less width than petitioned for.

Board of county commissioners must fix time of hearing report.

Notice to land owners.

6. The Board of County Commissioners at the next meeting after the filing of the report, or at the time when the report is filed, if then in session, must fix the day for hearing the same, must notify the owners of lands not consenting to give the right-of-way, of the hearing, by having written notice served on them by registered mail, postage prepaid, to their post office address or to that of the occupant or agent of the owner; or if neither the owner, agent of the owner, or occupant can be notified by reason of non-residence or other cause, then by posting notices, one on a con-

When notice to be posted.

HeinOnline -- 1913 149 1913

spicuous place on the land, or left at the owner's, agent's or occupant's residence, and one at the Court House, ten (10) days prior to the day fixed for the hearing, and must on that day fixed for the hearing or to which it may be postponed or adjourned, hear the evidence and proof from all parties interested for and against the proposed alteration of the new road, ascertain and by order declare the amount of damage awarded to each non-consenting land owner and declare the report of the viewers to be approved or rejected.

Proceedings on day of hearing.

When public highway may be ordered open, there being no non-consenting land owners.

Section 7. If the Board approve the report, and there are no non-consenting land owners, the highway may by order be declared a public highway and the road supervisor ordered to open the same to the public, and if the Board order it, to require the County Surveyor, to survey the same and plat it, and file his field notes with the County Clerk, for which the Surveyor shall receive seven dollars per day for the time actually employed. The Board of County Commissioners upon making each and every order establishing the location or alteration of any highway, must order the amount of damages sustained by each and every person owning or claiming lands or any improvements thereon and affected thereby, as finally fixed and assigned by them, to be set apart in the treasury out of the proper funds, to be paid to the proper owner or claimant, if known, and to be kept for the owner or claimant if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements. Any moneys set apart as herein provided for, must be returned to the fund from which it was set apart, if not paid to or accepted by the proper owner or claimant. If the awards are all accepted the road must be declared a public highway and be opened as before provided.

Board to order payment of damages.

Money held for unknown land owners.

Money to be returned to fund if not paid or accepted.

When road to be declaimed a public highway.

How damages are to be determined.

Section 8. The damage must be determined by ascertaining the benefits and damages accruing to any person by reason of altering changing or laying out such roads, and the sum estimated as benefits must be deducted from the sum estimated as damages, and the remainder, if any, shall be the account of damages awarded.

When damages found are not accepted.

Section 9. If any award of damages is not accepted within thirty days from the date of the award it shall

HeinOnline -- 1913 150 1913

be deemed rejected by the land owners. The Board, must, by order, direct proceedings to procure the right-of-way to be instituted by the County Attorney of the County under and as provided in Title VII Part III of the Code of Civil Procedure against all non-accepting land owners, and when thereunder the right-of-way is procured, the roads must be declared a public highway and opened as hereinbefore provided.

Condemnation proceedings to be ordered when.

To declare road a public highway.

Section 10. All awards by agreement, ascertainment by the Board of County Commissioners, or by the proper court, and all expenses of viewing, surveying, laying out or altering any road must be paid out of the general road fund on the order of the Board of Commissioners.

Fund from which expenditures must be paid.

Section 11. If a highway is opened or altered, the final report of the viewers, including the plat, field notes, and report of the surveyor, must be recorded in the office of the county clerk in books kept for that purpose.

Records when road is opened or altered.

Section 12. If a highway is ordered to be altered, or opened, the Board of County Commissioners, must cause notices thereof to be posted at three public places along the line of said highway stating that said highway will be opened and worked after sixty days from the date of posting said notice.

Notice of order opening or altering highway.

Section 13. No highway must be ordered opened through field of growing crops or along the line where crops would thereby be exposed to stock until the owner thereof has sufficient time to harvest and care for such crops.

When may be ordered open through or along fields of grain.

Section 14. When a highway is to be opened, constructed altered or widened, the County Clerk must notify the supervisor of the proper district and furnish him with a certified copy of the order of the County Commissioners, provided, that when the estimated cost of opening, constructing, altering or widening exceeds Two Hundred Dollars, the work may, in the discretion of the County Commissioners, be let by contract and if such estimated cost exceeds the sum of Five Hundred Dollars, such work may be let by contract, unless the Board shall find that such work may be otherwise done at less cost; but before any contract shall be let, as provided herein, the Board of County Commissioners shall advertise for bids therefor at least once a week for two successive weeks in a newspaper

Notice to district supervisor or order opening, altering, etc., highway.

When cost exceeds two hundred dollars.

When cost exceeds five hundred dollars.

To advertise for bids when and how.

HeinOnline -- 1913 151 1913

of general circulation in the County, and the contract shall then be awarded to the lowest responsible bidder who shall, before entering upon the performance of the work, execute and deliver to the Board of County Commissioners an Undertaking with two or more sureties, to be approved by the Board of County Commissioners, in a sum not less than equal the amount for which the contract is awarded and conditioned for the prompt, faithful and efficient performance of such work; provided, however, the Board of County Commissioners may reserve the right to reject any and all bids.

Contract to be awarded to lowest responsible bidder.

Contractors bond.

May reject all bids, when.

Section 15. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing, conveying the right-of-way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the judgment of the court condemning the same, must be made and filed and recorded in the office of the county clerk, in which the land so conveyed or condemned must be particularly described.

Deeds and certified copies of judgment for right-of-way to be recorded.

Section 16. Whenever highways are laid out across railroads, canals, or ditches, or public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals or ditches, that the public highway may cross the same without damage or delay and when the right-of-way for a public highway is obtained through the judgment of any court over any railroad, canal or ditch, no damage must be awarded for the simple right to cross the same.

Duty of owners regarding crossings of railroads, canals and ditches.

No damages to be allowed for right of crossing.

Section 17. When the alteration of an old or the opening up of a new road makes it necessary to remove fences on land given, purchased or condemned by order of the court for road or highway purposes, notice to remove the fence must be given by the road supervisor to the owner the occupant or agent by registered mail, postage prepaid, to his or her address, and if the same is not done within the days thereafter, or commenced and prosecuted with due dilligence, the road supervisor must cause it to be removed at the expense of the owner and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

Notice to remove fences must be given when.

When superviser must cause fence to be removed.

Section 18. Highways must be laid out and opened

HeinOnline -- 1913 152 1913

when practicable or upon subdivision or section lines, Provided however, that the section shall not be construed to prevent roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Highway to be laid out on subdivision lines, when.

Section 19. Upon a petition for that purpose by a majority of the freeholders or owners residing upon any common highway or portion thereof, the Board of County Commissioners must change such highway or portion thereof, so as to run on sub-division or section lines, and lay out and open the same thereon; provided that such change can be made without material damage, injury or serious inconvenience to the public customarily using such highway or portion, and provided, further, that those interested in making such changes shall bear all the cost and expense thereof.

Commissioners to change highway upon petition of freeholders, when.

Proviso.

Further proviso.

Section 20. None of the proceedings authorized by this Chapter shall be invalid by reason of any defect, informality or irregularity therein which does not materially effect the interests of the County or prejudice the substantial rights of property owners immediately concerned.

Defective proceedings not to be invalid, when.

Chapter V.—Bridges.

Section 1. All public bridges are maintained by the County at large under the management and control of the Board of County Commissioners, the expense of construction maintaining and repairing the same provided in this Act.

Public bridges maintained by whom.

Section 2. The Board of County Commissioners may levy a special tax not to exceed two mills on the dollar of the taxable property of the county for the purpose of constructing, maintaining, and repairing free public bridges. Such tax must be levied and collected in the same manner as other taxes, and the money when collected and paid into the county treasury must be kept as a special bridge fund, subject to the order of the Board of County Commissioners, to be used in the construction, maintaining and repairing of bridges at such places as said Board directs.

Bridge tax.

How bridge taxes to be levied and collected.

Bridge fund.

Section 3. No bridge, the cost of construction or repairs of which exceeds Two Hundred ($200.00) Dollars, shall be constructed or repaired except on the order of the Board of County Commissioners; and

Construction and repair of bridges costing more than $200.

HeinOnline -- 1913 153 1913

when ordered to be constructed or repaired it may be done by contract.

Bids for contracts; opening and awarding.

Section 4. All bids must be sealed, opened at the time specified in the notices, and a contract awarded to the lowest responsible bidder. The Board of County Commissioners may however, reject any and all bids. The contract and bond for its performance must be entered into and approved by the said Board, except in cases of great emergency, and by the unanimous consent of all its members. The said Board may proceed at once to construct, replace and repair any and all structures of whatever nature without notice.

May reject all bids.

Cases of great emergency.

Construction of bridges crossing county lines.

Section 5. Bridges crossing the line between counties must be constructed by the counties into which said bridges reach, and each of the counties must pay such portion of the cost as has been previously agreed upon the Board of County Commissioners of the respective counties.

Chapter VI.

Obstructions and Encroachments on Highways.

How sidewalks may be constructed along highway.

Section 1. Any owner or occupant of land may construct a side walk on the highway along the line of his land subject, however, to the authority conferred by law on the board of County Commissioners and the road supervisors; and any person using said sidewalk with mule, horse or team without permission of the owner is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby.

Damage to sidewalk.

In case of encroachment by fences, buildings, etc.

Section 2. If any highway duly laid out or erected is encroached upon by fences, buildings or otherwise, the road supervisor, of the district must give notices, orally or in writing, requiring the encroachment to be removed from the highway.

Notice of removal.

Notice or removal to be given to whom.

Section 3. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place or residence, if he be known to the person giving such notice and resides in the country; if not, it must be posted on the encroachment specifying the breadth of the highway, the place and extent of the encroachment and requiring him to remove the same forthwith.

Penalty for not promptly removing.

Section 4. If the encroachment is not removed forthwith, or commenced to be removed forthwith, and the removal is not diligently prosecuted, the one who

HeinOnline -- 1913 154 1913

caused, owns, or controls the encroachment, forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the highway for vehicles, the road supervisor must forthwith remove the same.

When road supervisor must remove encroachment.

Section 5. If the encroachment is denied, and the owner occupant or person controlling the matter, or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the road supervisor must commence in the proper court an action to abate the same as a nuisance; and if he recovers judgment, he may in addition to having the same abated, recover ten dollars for every day such nuisance remained after such notice and also his costs in said action. The Board of County Commissioners may at any time order the Supervisor to forthwith remove any encroachment without commencing an action.

When action shall be brought to abate encroachment as a nuisance.

Judgment of abatement to include punitive damages.

Board may order supervisor to remove encroachment when.

Section 6. If this encroachment is not denied, but is not removed for five days after the notice is complete, the road supervsior may remove the same at the expense of the owner, occupant or person controlling the same, and recover his costs, and expenses, and also for each day the same remained after notice was complete, the sum of Ten Dollars in an action for that purpose.

When encroachment may be removed at expense of owner.

Costs and damages.

Section 7. Any person storing or distributing water for any purpose who permits the water to overflow any highway to the injury thereof, must, upon notification of the road supervisor of the district where such overflow occurred, repair the damages occasioned by overflow; and should such repair not be made within a reasonable time by such person; the road supervisor must make such repairs and recover the expense thereof from such person in an action at law.

Permitting water to overflow highway.

Duty of owner.

Repairs at expense of party causing injury.

Section 8. All persons contemplating the excavation of irrigating, mining, drainage, or other ditches across the public highways are required to obtain a permit in writing from the Board of County Commissioners or the Supervisor of said district before beginning such excavations, and to bridge such irrigation, mining, drainage or other ditches at once, substantially and in accordance with the plans and specifications furnished by the Board of County Commissioners; and thereafter said bridges shall be maintained by the county. And on failure or neglect to bridge as in this

Permits must be obtained before excavating across public highway.

Must bridge ditch.

Failure or neglect to bridge ditch.

HeinOnline -- 1913 155 1913

section provided, the supervisor of the road district must immediately remove any obstruction placed there, and refill such ditch, if necessary for the convenience of the traveling public.

Duty of all persons finding any obstruction upon highway.

Section 9. It shall be the duty of any person finding any obstruction upon any highway of this State to forthwith notify the road supervisor of such obstruction.

Party must remove any tree that falls into highway.

Penalty upon failure.

Section 10. Whoever cuts down a tree so that it falls into any highway must forthwith remove the same, and is liable to a penalty of Ten Dollars for every day the same remains in such highway.

Duty of road supervisors to post notices on bridges.

Section 11. Road Supervisors must, when ordered by the Board of County Commissioners so to do, put upon bridges under their charge notices that there is "Five Dollars fine for riding or driving on this bridge faster than a walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay Five Dollars fine for each offense.

Penalty for violating notice.

Penalty for maliciously injurying, destroying or removing any tree.

Section 12. Whoever digs up, cuts down or otherwise maliciously injures or destroys any shade or ornamental tree on any highway, unless the same is deemed an obstruction by the Board of County Commissioners, and removed under their direction, forfeits One Hundred Dollars for each tree.

Obstructing and injurying any highway.

Draining water thereon.

Penalty.

Notice to county attorney.

Section 13. Whoever obstructs or injures or causes to be obstructed, or injured any highway, or diverts or causes to be diverted, any water courses thereon, or drains or causes to be drained, any water from his land upon any highway, to the injury thereof, is liable to a penalty of Ten Dollars for each day such obstruction or injury remains and must be punished as provided in Section 8736 of the Revised Codes. It shall be the duty of the Road Supervisor to notify the County Attorney of any and all violations of this Act.

Dumping garbage or leaving dead animals upon or within 200 yards of any public highway.

Penalty.

Section 14. It shall be unlawful for any person or persons to dump or leave any garbage or dead animal in or upon any public highway, road or alley of this State, or within 200 yards of such public highway, road or alley. Any person guilty of a violation of this Section shall be fined in a sum not exceeding $25.00, or imprisoned in the county jail for a period not exceeding 30 days or be punished by both such fine and imprisonment in the discretion of the court.

Section 15. It shall be unlawful for any person or

HeinOnline -- 1913 156 1913

persons to deposit any crockery or glass, nails, tacks or any other article that would tend to injure horses' feet or automobile tires in or upon any highways, road or alley in this State. Any persons guilty of a violation of this Section shall be fined in a sum not exceeding $50.00 or be imprisoned in the county jail for a period not exceeding sixty days, or be punished by both such fine and imprisonment in the discretion of the court.

Depositing crockery, glass, nails, tacks, etc., upon highway.

Penalty.

Section 16. The County Attorney upon complaint of the road supervisor, or any other person, must prosecute all actions under the provisions of this Act by a suit in the name of the State and all penalties and forfeitures must be paid into the general fund of the county.

Duty of county attorney to prosecute.

Chapter VII.
Guide Boards.

Section 1. The several Board of County Commissioners in the State of Montana may erect, or cause to be erected, within six months after the passage of this Act, and maintain at the expense of the county, suitable guide boards at or within one hundred feet from forks of all public highways within their respective counties. Said guide boards shall contain a suitable inscription indicating the way and naming the approximate or true distance to one or more of the nearest cities, towns, villages, or other known points situated on said road, Provided, however, that not more than four guide boards shall be placed within any one incorporated town or village of any county of this State. They must be of suitable size to contain the inscription, the back ground of which must be white. The letters contained in the inscription thereon shall be black at least two inches in height and legible.

Guid boards must be placed and maintained, where.

What guide boards shall contain or have placed on them.

Number in incorporated town or village.

Size and construction.

Colors of letters and back ground.

Section 2. Said guide boards to be securely fastened to posts at least six inches in diameter at the butt, and at least eight feet in length, and planted in the ground so that said post shall be, when erected at least six feet high above the ground.

Must be fastened to substancial post, of what dimentions.

Section 3. Every person who maliciously removes or injuries any guide board erected upon any highway, or any inscription on such, or defaces the same with writing, or in any other manner, is guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than Ten Dollars ($10.00) nor

Maliciously removing, or injuring any guide post.

Misdemeanor.

Penalty.

HeinOnline -- 1913 157 1913

more than Twenty-five Dollars ($25.00) and costs of suit. Said fine, when collected, shall be paid into the county treasury for road purposes.

Chapter VIII.

Laws of the Road.

Law upon meetings of vehicles.

Section 1. When vehicles meet, the drivers of each must turn reasonably to the right of the center of the highway or road, so as to pass without interference, under the penalty of $25.00 for every neglect, to be recovered by the party injured. Where the whole breadth of the roadway is not worked, the center of the worked part is the center of the highway. In times of snow where there is a beaten track the center of that is the center of the highway or road. But this section does not apply to vehicles meeting cars running on rails or grooved tracks.

Penalty.

Who shall not be employed to drive passenger vehicles.

Section 2. No person must employ, to drive any vehicle, for the conveyance of passengers upon any public highway or road, a person addicted to drunkenness, under penalty of $5.00 for every day such person is in his employ.

Penalty.

Intoxicated drivers.

Section 3. If any person while actually employed in driving any vehicle is intoxicated to such a degree as to endanger the safety of his passengers, the owner, on receiving from any passengers a written notice of the fact, verified by his oath, must forthwith discharge such driver, and if he have such driver in his service within six months after such notice he incurs a like penalty.

Duty of driver to guard team while hitched to passenger vehicle.

Section 4. The driver of any vehicle used to convey passengers must not leave the horses attached thereto while passengers remain in the same, without first fastening the horses, or placing the lines in the hands of some other person, so as to prevent their running, under a penalty of $20.00 for each offense.

Liability of owner of vehicle for conveying passengers for negligence of driver.

Section 5. The owner of every vehicle running or travelling upon any highway or road for the conveyance of passengers, is liable for all damage to person or property done by any person in his employment as a driver while driving such vehicle, whether done willfully or negligently, or otherwise, in the same manner as such driver would be liable.

Duty of persons moving machinery or any load over six tons along highways or over bridges.

Section 6. All persons owning, controlling, operating or managing threshing machines, steam engines, sawmills, or any heavy loads of whatever kind or na-

HeinOnline -- 1913 158 1913

ture, are required in moving the same over the public highways, to lay down planks not less than one foot wide, three inches in thickness and of sufficient length on the floors of all bridges and culverts situated on the public highways, while crossing the same, for the wheels of said threshing machines, saw-mills, steam engines or other vehicles carrying heavy loads of any kind to run on, provided that this section shall not apply to any threshing machine, saw-mills, steam engine, or other vehicle carrying heavy loads not exceeding six tons in weight.

Steam threshing machines, saw-mills, etc., moving along highways must shut off steam and give safe passage to animals.

Section 7. All persons owning, controlling, operating or managing threshing machines, saw-mills, or steam engines of any kind, are required in moving the same along the public highways, on meeting any person or persons on horses or mules, or in vehicles drawn by horses or mules, to shut off the steam and halt until such horses or mules shall have safely passed.

Section 8. Any person or persons violating the provisions of the two preceding sections, shall be guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not less than $5.00 nor more than $150.00.

Chapter IX.

Motor Vehicles.

Tags with license number thereon to be attached to motor vehicle, at rear.

Section 1. Every person owning any motor vehicle (other than traction engines, road rollers and vehicles running on rails or tracks) shall, at the time of paying for and procuring the license thereon as provided for by law, equip said motor vehicle with a suitable tag of a permanent character, the dimensions of which shall not be less than twelve inches long and four inches wide, said tag to be exhibited on the rear end of said motor vehicle at all times, and the number of said tag must correspond with the current number of said license issued to the said motor vehicle.

Speed limit of automobiles and motor vehicles outside of cities, towns, etc.

Section 2. No automobile or other motor vehicle shall be run on any public highway outside of the limits of any city, fire district or thickly settled or business part of a town at a speed exceeding thirty miles an hour, and no such vehicle shall be run on any public way within the limits of a city, fire district, or of any thickly settled, or business part of a town at a speed exceeding eight miles an hour.

Spend limit within cities.

Section 3. Every person having control or charge

HeinOnline -- 1913 159 1913

Required precaution of drivers of motor vehicles upon meeting horses, mules, etc.

of a motor vehicle shall, whenever upon any public street or highway and approaching any vehicle drawn by horse or horses, mule or mules, or any horse or mule upon which any person is (is) riding, so operate, manage and control such motor vehicle as to exercise every reasonable precaution to prevent the frightening of any such animals and to insure the safety and protection of any person riding or driving the same. And if such animals or any thereof appear frightened, the

To reduce speed, when.

person in control of such motor vehicle shall reduce its speed, and if requested by signal or otherwise, by the driver of such animal or animals unless such movement be necessary to avoid accident or injury, or until such animal, or animals, appear to be under the control of the rider or driver.

Speed at crossings and intersections of ways.

Section 4. Upon approaching a crossing of intersecting ways, and also in traversing the crossing or intersection, the person in control of a motor vehicle shall run it at a rate of speed less than that above specified, and not greater than is reasonable and proper having regard to the traffic and the use of the intersecting ways.

"Motor vehicle" defined.

Section 5. The term "motor vehicle" in this Act shall include all vehicles propelled by any power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks.

Penalty for violating act.

Section 6. Any person violating any provisions of this Act shall be punished for each offense by a fine not exceeding One Hundred Dollars, or by imprisonment for a term not exceeding sixty days, or by both such fine and imprisonment.

Duty of driver of vehicle to permit vehicle overtaking him to pass.

Section 7. Any vehicle of any kind drawn by horses or propelled by steam or gasoline, or any other power, overtaking a vehicle on the public highway upon the party desiring to pass giving warning to the first vehicle of such desire, the said first vehicle shall make reasonable effort to give the second vehicle half the

Violation of act a misdemeanor.

road within which to pass. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and shall pay a fine not exceeding Twenty-

Penalty.

five Dollars to be recovered by the party injured, or by imprisonment for a term not exceeding sixty days, or by both such fine and imprisonment.

HeinOnline -- 1913 160 1913

Chapter X.

Disposition of Fines.

Fines collected to belong to and be paid into the general road fund of county.

Section 1. Any and all fines collected for the violation of any of the provisions of this Act, shall belong to the general road fund of the County and shall, immediately after their collection, be paid over by the court or magistrate collecting the same, to the county treasurer for the use and benefit of that fund.

Chapter XI.

Repealing Clauses.

Repealing clause.

Sections 1. Sections 1337, 1338, 1340, 1341, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and that certain Act approved March 11, 1909, entitled "An Act to provide for the permanent improvement of main highways by extension of county aid for such purposes, to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefited thereby for the payment of a part of the cost thereof" as well as that certain Act approved March 9, 1909, entitled "An Act placing the highways and bridges in Counties of the First Class under the supervision and control of the County Surveyor, defining his powers and duties, fixing his compensation and abolishnig the office of the Road Supervisor in counties of the First Class" are each and all hereby repealed.

Section 2. All Acts and parts of Acts in conflict are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved March 11, 1913.

CHAPTER 73.

"An Act providing for the registration, identification and regulation of motor vehicles, operated and driven upon the public roads and highways of this State."

Be it enacted by the Legislative Assembly of the State of Montana:

"Motor Vehicle" defined.

Section 1. That the term "motor vehicle" as used in this act, except where otherwise expressly provided,

HeinOnline -- 1913 161 1913

shall include all vehicles propelled by any power other than muscular power, except traction-engines, road-rollers, fire wagons and engines, police patrol-wagons, ambulances and such vehicles as run only upon rails or tracks.

"Local Authorities" defined.

The term "local authorities" shall include all officers of counties, boroughs, cities, villages or towns, as well as all boards, committees, and other public officials of such counties, boroughs, cities, villages or towns.

"Chauffeur" defined.

The term "chauffeur" shall mean any person operating a motor vehicle for hire or as the employee of the owner thereof.

"State" defined as used in act.

The term "state" as used in this Act, except where otherwise expressly provided, shall include the territories and the federal districts of the United States.

Terms "Owner of" or "Persons hereafter acquiring" defined.

The term "owner of" or "persons hereafter acquiring" shall include any person renting a motor vehicle or the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. The term "closely built up" shall mean the territory of a city, county,

Term "closely built up" defined.

town, village or borough bordering on a public road or highway, devoted to business or residential purposes, where the structures devoted to business or residental purposes shall be on an average less than one hundred feet apart for a distance not less than a quarter of a mile.

Duty of owner of motor vehicles to apply for registration.

Section 2. Subdivision 1. Every owner of and every person hereafter acquiring a motor vehicle or vehicles which shall be operated or driven upon the public roads or highways of this state shall for each motor vehicle owned or acquired, except as herein otherwise expressly provided, cause to be filed by mail or otherwise, upon the payment of a registration fee of two dollars

Fee.

($2.00), in the office of the secretary of state, a verified application for registration, containing:

Application to contain.

First.—A brief description of the vehicle to be registered, including the name of the manufacturer, the manufacturer's number of the motor vehicle, if number

Description, manufactor and number.

there be, the character of the motor power, and the amount of such motor power stated in figures of horse power.

Name and address of owner and residence.

Second.—The name and address of the owner of such motor vehicle, and the name of the county of the state in which he resides.

Subdivision 2. Upon the filing in the office of the

HeinOnline -- 1913 162 1913

Duty of secretary of state on filing application.

secretary of state of an application, as hereinbefore provided, the secretary of state or his duly authorized agent shall assign to such motor vehicle as described in such application a distinctive number, and shall issue to the owner of such motor vehicle, as it is described in the application filed, a certificate of registration, which certificate shall be in the form of a card which may be carried in the pocket and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and address of the owner, a brief description of such motor vehicle, stating the name of the manufacturer, the manufacturer's number, if number there be, the character of the motor power, and the amount of such motor power stated in figures of horse power.

Certificate of registration.

Secretary of state to file application and register such motor vehicle

Subdivision 3. Upon the receipt of an application for registration of a motor vehicle, as hereinbefore provided, the Secretary of State shall, thereupon, file such application in his office, and register such motor vehicle, with the name and address of the owner thereof, and the facts stated in the application, in a book or index to be kept for the purpose, under the distinctive number and identification mark assigned to such motor vehicle by the Secretary of State, satisfy himself that the verified statements made in such application are correct, and issue to the applicant a certificate as hereinbefore provided. The original book or index in which motor vehicles are registered as hereinbefore provided, shall be kept in the office of the Secretary of State, and shall be open to the inspection of any person during reasonable business hours. An exact, full and accurate list of registered motor vehicles and their owners shall be furnished by the Secretary of State to the clerk of every county in the State, and such lists shall be kept as public records in the office of each county clerk, and the Secretary of State shall further furnish to the county clerk of each county once each month copies of the additional applications for registration received, which shall be entered by the county clerk on the list kept by him, as hereinbefore provided.

Book to be kept for purpose.

Registration book to be kept open for inspection.

List to be furnished to county clerks to be kept as public records.

Additional monthly lists to be furnished.

Section 3. That every motor vehicle, registered in accordance with the provisions of this Act, shall have the distinctive number and registration mark assigned to it by the Secretary of State, as hereinbefore provided, displayed on the front and rear of such motor

Number and registration mark to be displayed, where and how attached.

HeinOnline -- 1913 163 1913

Form and marking of number placard.

vehicle, as an identification mark, securely fasteneded, so as not to swing, and it is further provided, that such distinctive number as an identification mark shall consist of a white placard, as the background, upon the face of which shall appear the distinctive number assigned to such motor vehicle, as hereinbefore provided, in black Arabic numerals, such numerals to be not less than three inches long, nor each stroke less than one-half inch in width, such number to be followed on the placard by the initial or abbreviation of the name of this state in black letters, each letter to be at least two inches in height, and each stroke to be at least one-half an inch in width.

Manufactures and dealers to apply for registration of each style or type of motor vehicles.

Section 4. That in the case of a manufacturer or dealer in motor vehicles such manufacturer or dealer shall make application for registration in the same manner as hereinbefore provided, of each style or type of motor vehicle, manufactured or dealt in by such manufacturer or dealer, whereupon, upon the payment of a registration fee of ten dollars ($10.00), there shall be assigned to such style or type of motor vehicle a distinctive number as an identification mark, which shall be carried and displayed by every motor vehicle of such style or type registered in the same manner as hereinbefore provided, and there shall be issued to such manufacturer or dealer a certificate of registration as hereinbefore provided for each style or type of motor vehicle, and as many certified copies thereof as may be desired, upon the payment of a fee of fifty cents ($0.50) for each such copy.

Registration fee of manufacturers and dealers for each type or style.

Distinctive number for each style or type.

Certificates to be issued for each type or style, and copies.

Fees for copies.

Brakes, horns and lights required on motor vehicles.

Section 5. Subdivision 1. Every motor vehicle operated and driven upon the public roads or highways of this State shall be provided with adequate brakes sufficient to control the vehicle at all times, and a suitable and adequate horn or other device for signaling, and shall during the period from one hour after sunset to one hour before sunrise, display two lighted, white light lamps on the front of such motor vehicle, the light of which front lamp shall be visible at least two hundred feet in the direction in which said motor vehicle is proceeding, and every motor vehicle shall also display, in addition to the foregoing, a red light on the rear thereof.

Tire chains, or like devices, required when.

Subdivision 2. Every motor vehicle operated and driven upon the public roads or highways of this State

HeinOnline -- 1913 164 1913

when such public roads or highways are in a wet, slippery or slimy condition, or in such condition that motor vehicles operated and driven thereon slide, skid, slip or have a tendency to get beyond control, shall have fitted upon at least one of the rear tires of such motor vehicles at such time or times, a tire chain or such other contrivance as shall be adequate and sufficient to prevent said motor vehicles from skidding, slipping or sliding, and such as shall not cause any considerable damage to the public road or highway.

When provisions of Sec. 5 not applicable to non-residents of state.

Section 6. The provisions of the foregoing sections shall not apply to motor vehicles owned by non-residents of this State, provided that the owners thereof shall have complied with the provisions of the law of the State of their residence in regard to motor vehicles, and shall comply with such law while operating and driving a motor vehicle upon the public roads or highways of this State: provided, however, that the foregoing sections of this act are substantially in force as law in the state of the residence of the owner of such motor vehicle, otherwise all provisions of this act shall apply.

Proviso.

Rate of speed on public highways.

Section 7. No person shall operate a motor vehicle on the public roads or highways of this State at a rate of speed greater than is reasonable or proper, having regard to width, traffic and the use of the highway and the general and usual rules of the road, or so as to endanger property or the life or limb of any person.

Chauffeurs must make application for registration.

Fee.

Section 8. Subdivision 1. Every person, hereafter desiring to operate a motor vehicle, as a chauffeur, shall file, in the office of the secretary of state, upon the payment of a registration fee of Two Dollars ($2.00), a verified application for registration which shall state:

Contents of application.

First.—The name and address of the applicant, and that he is competent to operate a motor vehicle.

Second.—The trade name and motor power of the motor vehicle or vehicles he is competent to operate.

Third.—Whether or not the applicant has ever been previously convicted of a violation of any of the provisions of this act, giving the date and place of such conviction and the provisions of this act violated, if any.

Secretary of state to file application in index book to be kept for purpose.

Subdivision 2. Upon the receipt of such an application, the secretary of state shall thereupon file the same in his office or in a book or index, which shall be kept

HeinOnline -- 1913 165 1913

Shall furnish county clerks with lists of registered chauffeurs.

in the same manner as the book or index for the registration of motor vehicles, as hereinbefore provided, and the secretary of state shall forward the list of such registered chauffeurs, and such additions thereto as shall be made from time to time to the county clerk of every county in the state, in the same manner as hereinbefore provided, in the case of registered motor vehicles, and such lists shall be kept as public records in the county clerk's office in every county of the state.

Public record.

To issue a badge to chauffeurs.

Subdivision 3. The secretary of state shall forthwith, upon the registration of such chauffeur as hereinbefore provided, issue to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words "Registered Chauffeur No. .....; State of Montana;" with the registration number inserted therein, which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public roads or highways of this State.

Form, size and markings of badge.

Badge to be worn how and when.

Chauffeur shall not permit another to wear his badge.

Subdivision 4. No chauffeur, having registered, as hereinbefore provided, shall voluntarily permit any other person to wear his badge, nor shall any person, while operating a motor vehicle upon the public roads or highways of this State wear any chauffeur's badge, belonging to another person, or a fictitious chauffeur's badge.

No person shall operate motor vehicle on public highway before complying with this act.

Subdivision 5. No person shall operate a motor vehicle as a chauffeur upon the public roads or highways of this State, after thirty days after this act takes place, unless such person shall have complied in all respects with the requirements of this section provided, however, that a non-resident chauffeur, who has registered under the provisions of the law of the state of his residence, which are substantially similar to the provisions of this section shall be exempt from registration under this section; provide, however, that he wear the badge assigned to him in the state of his residence, in the same manner as hereinbefore provided, and comply with all the other provisions of this section.

Proviso regarding.

Non-resident chauffuers.

Must wear badge issued him elsewhere.

Not to operate motor vehicle in absence of owner without his consent.

Subdivision 6. No chauffeur or other person shall drive or operate any motor vehicle upon any public road or highway in this State in the absence of the

HeinOnline -- 1913 166 1913

owner of such motor vehicle, without such owner's consent; and no chauffeur or other person having the care of a motor vehicle for the owner shall receive or take directly or indirectly any bonus, discount or other consideration for the purchase of supplies or parts for such motor vehicle or for work or labor done thereon by others; and no person furnishing such supplies or parts, work or labor, shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, either directly or indirectly, any bonus, discount or other consideration.

Forbidden to commission in purchase of goods or supplies for employor.

No one shall offer or give chauffeur such commission.

Section 9. No local authority shall have any power, except as herein otherwise expressly provided, to make any ordinance, by-law or resolution, respecting motor vehicles, or their speed upon, or use of the public roads or highways of this State, and no ordinance, by-law, or resolution heretofore or hereafter made by any local authority, respecting motor vehicles shall have any force and effect; provided, however, that powers given to any town, city or borough to regulate shows, processions, assemblages or parades, in the streets and public places, and to regulate the use of public parks, and all ordinances, by-laws and regulations, which may have been or which may be enacted in pursuance of said powers shall remain in full force and effect; provided, further, that local authorities may set aside for a given time a specific public highway for speed tests or races to be conducted under proper restrictions for the safety of the public.

No local authorities can regulate speed or use of motor vehicles on public highways.

Existing by-laws, ordinances, etc., of no effect.

May regulate shows, processions, assemblages or parades in streets and use of public parks.

May set aside places for speed tests.

Section 10. Subdivision 1. The violation of Sections 2, 3, 4, 5 and 7 of this Act shall be punishable by a fine not exceeding Twenty-five ($25.00) Dollars for a first offence, by a fine not less than Twenty-five ($25.00) Dollars and not exceeding Fifty ($50.00) Dollars for a second offence, and by a fine not less than Fifty ($50.00) Dollars and not more than One Hundred ($100.00) Dollars for a third or any subsequent offence.

Violations of named sections.

Penalty.

Subdivision 2. Any person operating or driving a motor vehicle on the highways of this State, which shall display thereon a distinctive number or identification mark belonging to any other motor vehicle, or one which is fictitious, shall be deemed guilty of a misdemeanor, which shall be punishable by a fine of not more than one hundred ($100.00) Dollars for a first

Displaying number or identification mark of another vehicle or due that is fictitious a misdemeanor.

Penalty.

HeinOnline -- 1913 167 1913

offence, and for any subsequent offence by a fine of not less than one Hundred ($100.00) Dollars, nor more than Three Hundred ($300.00) Dollars.

Violation by non-registered chauffeur of Sec. 8 herein, excepting subdivision 6.

Subdivision 3. Any violation of Section 8 of this Act, except in regard to Subdivision 6 thereof, by a person not registered as a chauffeur, as hereinbefore provided, shall be punishable by a fine of Fifty ($50.00) Dollars, or the suspension of the right to apply for registration as a chauffeur, under this Act, for one year or both, and for a second or subsequent offense by a fine of One Hundred ($100.00) Dollars, and in addition the suspension of the right to apply for registration as a chauffeur for a time not less than one year, and not more than two years.

Penalty.

Second or subsequent offense.

Violation of Sec. 8 by registered chauffuer.

Subdivision 4. Any violation of Section 8 of this Act, except in regard to Subdivision 6 thereof, by a chauffeur, registered as hereinbefore provided, shall be punishable by a fine not exceeding Fifty ($50.00) Dollars, or by the suspension of the right to operate a motor vehicle as a chauffeur under the provisions of this Act, for a period of six months, or both, and for a second or subsequent offense, by a fine of not less than Fifty ($50.00) Dollars and not exceeding One Hundred ($100.00) Dollars, and in addition the suspension of the right to operate a motor vehicle as a registered chauffeur under the provisions of this Act for one year, and for such further time as shall be fixed by the trial court.

Penalty.

Subsequent offense; penalty.

Violation of Sec. 7 by registered chauffeur; penalty.

Subdivision 5. Any violation of Section 7 of this Act by a registered chauffeur shall be punishable by a suspension of the right to operate a motor vehicle as a registered chauffeur, as hereinbefore provided, for thirty days, for a second offense, and for a period of not less than one year for a third offense, in which case the registration of such chauffeur shall become null and void.

Second offense.

Penalty for any person violating subdivision of Sec. 8 of Act.

Subdivision 6. Any person violating any of the provisions of Subdivision 6 of Section 8 of this Act shall be deemed guilty, and upon conviction shall be fined a sum not exceeding Two Hundred ($200.00) Dollars.

Duty of magistrate upon conviction of person violating any provision of act.

Subdivision 7. Upon the conviction of any person, for a violation of any of the provisions of this Act, the magistrate or other judicial officer before whom the proceedings are held shall immediately certify the facts of the case and the character of the punishment

HeinOnline -- 1913 168 1913

to the Secretary of State, who shall enter the same, in the case of an owner or a chauffeur either in the indexes of registered motor vehicles, or registered chauffeurs, as the case may be, opposite the name of the person so convicted, and in the case of any other person, in an index of offenders to be kept for such purpose, in alphabetical order. The Secretary of State shall then send notice of the conviction and punishment of all such persons, whether owners, chauffeurs or other persons, to the county clerk of every county in the State, who shall enter the same upon the lists of registered motor vehicles, or registered chauffeurs, as the case may be, which are kept by him, as hereinbefore provided, or upon a list of other offenders which he shall maintain in his office as a public record in the same manner as the registered lists of motor vehicles or chauffeurs, as hereinbefore provided for, and shall furnish copies of such lists to the magistrate or other judicial officers of his county by whom the offenses against the provisions of this Act are punishable.

Duty of secretary of state thereupon.

Notice to county clerks.

Entry to be made by county clerk.

Lists to be furnished to magistrates and judicial officers.

Subdivision 8. In case any person shall be taken into custody because of any violation of any of the provisions of this Act, he shall forthwith be taken before any magistrate or any justice of the peace in any city or village or county, or before any accessible captain, sergeant of police or acting captain or sergeant of police, who shall have the powers of a magistrate or justice of the peace in carrying out the provisions of this Act, and be entitled to an immediate hearing; and if such hearing cannot be had, be released from custody on giving his personal undertaking to appear in answer for such violation at such time or place as shall then be indicated, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, and in case the person taken into custody is not the owner, by leaving the motor vehicle with a written consent given at the time by the owner, who must be present, with such judicial officer; or in case such judicial officer is not accessible, be forthwith released from custody by giving his name and address to the person making the arrest, and depositing with such arresting officer a sum equal to the maximum fine for the offence for which such arrest is made, or in

Persons arrested for violating act to be taken before whom.

Speedy trial.

To be released if trial cannot be had immediately, on giving bond.

Security.

Offcier must give receipt for security deposited on return.

HeinOnline -- 1913 169 1913

lieu thereof, in case the person arrested is the owner, by leaving the motor vehicle, and in case such person is not the owner, by leaving the motor vehicle with a written consent given at the time by the owner, who must be present; provided, that in such case the officer making the arrect shall give a receipt in writing for such sum or vehicle deposited, and notify such persons to appear before the most accessible magistrate, naming him, specifying the place and hour.

Bail in other cases.

In case such undertaking with security or deposit shall not be made by an owner or other person taken into custody, the provisions of law in reference to bail in such cases shall apply.

Disposition of revenue collected for registration fees.

Sections II. Subdivision I. The revenues derived from the registration fees provided for herein shall be applied by the Secretary of State to defraying the expenses incident to the carrying out and enforcement of the provisions of this Act, and any surplus thereof shall be paid by the Secretary of State into the state treasury.

Fines and penalties to be paid to whom.

Subdivison 2. All fines and penalties collected under the provisions of this Act shall be paid into the state treasury.

All moneys paid into state treasury hereunder to be disposed of how.

Subdivision 3. All moneys coming into the state treasury, pursuant to this section, shall there be maintained as a separate fund for the improvement, maintenance and repair of the public roads and highways of this State, and shall be apportioned as the state highway fund is now apportioned.

Repealing clause.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Act to be known as what, and take effect when.

Section 13. This Act shall be known as the "Montana State Motor Vehicle Law," and shall take effect thirty days after its passage and approval.

Approved March 12, 1913.

CHAPTER 74.

An Act to amend Chapter 113 of the laws of 1911 relating to the Registration of Electors in Counties, Cities, Towns and School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Chapter 113 of the laws of 1911 be amended to read as follows:

HeinOnline -- 1913 170 1913

County clerk to be county registrar.

Section 1. The county clerk of each county of the State of Montana is hereby declared to be ex-officio county registrar of each county and shall perform all acts and duties in this act provided, without extra pay or compensation therefor. He shall have the custody of all registration, books, and papers herein provided for.

Custodian of all registration, books and papers.

Election precints to be established, how.

Section 2. The board of county commissioners of each county shall establish a convenient number of election precincts therein, and in the order establishing such precincts, the boundaries thereof must be defined with as much accuracy as practicable. The board of county commissioners is establishing election precincts, as herein provided, shall, in all incorporate cities or towns, establish such precincts in conformity with the boundaries of the ward lines of the wards of the city or town as established by the city council thereof, provided that the board of county commissioners may establish two or more precincts within the boundaries of any one ward.

Election precincts in incorporated cities and towns.

More than one precinct may be established in a ward.

Board of county commissioners or board of school trustees may change boundaries, create new or conconsolidate election precints.

Section 3. The board of county commisioners or board of school trustees may, at any meeting of said board of county commissioners or school trustees, change the boundaries, create new or consolidate established precincts; but no precinct must be changed, altered, located or established between the first day of January and the first day of December in and during the year in which a general election is or may be held within the State of Montana, such changes, alterations, or modifications of precinct boundaries must be certified to the county clerk within three days after such order shall have been made. All election precincts shall be numbered in numerical order but may be disignated by a name in addition to such number.

Time when shall not be done.

Changes, etc., of precincts must be certified to the county clerk, when.

Numbering of precints.

City council shall certify to county clerk ward boundaries, etc.

Section 4. The city council of all incorporated cities and towns within the State of Montana shall certify to the county clerk and ex-officio registrar of the county within which such city or town is situated, a description by metes and bounds of the ward lines in such city or town. The city council of any city or town may change or alter the ward boundaries of any ward, but any ordinance changing or altering the ward boundaries of any ward must be finally passed in the period between the 20th day of November and the 31st day of December of the same year. The city clerk

Changing boundaries of wards.

When may be done

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Certificate by city clerk.

of any city or town shall within ten days after any city or town may have changed or altered the boundaries of any ward therein certify to the county clerk of the county a full and complete description of the changes, and locations in said boundaries of said wards.

Maps to be prepared by county surveyor.

Section 5. The county surveyor of each county within the State of Montana, must, within ten days after the board of county commissioners or board of school trustees shall have established, changed, altered or modified the boundaries of any election precinct within the county or any school district thereof, make, prepare and deliver to the county clerk of the county a map correctly designating and showing the boundaries of every election precinct or school district within the county.

Maps to be prepared by city council.

Section 6. The city council of any city or town within any county of the State of Montana shall, within ten days after the ward lines of any city or town have been established, changed, altered or modified, cause to be prepared and delivered to the county clerk of the county in which the city or town is situated a map showing and designating, correctly the boundaries of the wards within such city or town; such map shall also have designated thereon the street, avenue or alley numbers of all streets, avenues, or alleys showing such numbers, at the beginning of the ward boundary and at the ending thereof.

Additional matter to be shown by map.

Precinct registers.

Section 7. The county clerk and ex-officio registrar of each county shall keep and enter in registers, to be designated as precinct registers the names of the qualified electors in the respective precincts of said county, the county clerk shall register the names of all qualified electors at his office and not elsewhere between (between) the hours of nine A. M. and five P. M. on all legal days, in the manner as hereinafter provided. Such general registration of all voters shall be required but once, and any person once registered shall thereafter, so long as he remains a qualified elector of the precinct from which he registers, shall be entitled to vote, provided the names of any qualified elector who shall fail to vote at any general election, shall, by the county clerk, in the manner hereinafter provided, be removed from the precinct register and he may not thereafter vote until he has again registered. During the period of 30 days immediately preceeding any general or spe-

Registrations to be made during what hours.

Voter required to register but once so long as he resides in same precinct and votes at each general election.

HeinOnline -- 1913 172 1913

cial election and during a period of 30 days immediately preceeding any primary nominating, municipal, or school election, in school districts of the first class, such registration shall be closed and no person during the period herein specified immediately preceeding any general or special, primary nominating, municipal or school election in school districts of the first class shall be permitted to register for such election. The county clerk as ex-officio registrar must write in red ink on the line below the last entry on each page of the precinct registers the words, "Closed on account of election to be held on ....." The county Clerk, upon the issuance of the certificate herein provided for, shall make note thereof on the precinct register of the Precinct in which the elector registered, at the time of the issuance of the certificate by legibly stamping opposite electors name, at it appears on said Precinct Register the words "Must present Certificate." The said certificate shall be in the following form:

Name to be removed in case elector does not vote at a general election.

Registration to be closed during what times.

Entry to be made when registration closes.

Note to be made on precinct register when certificate is issued.

State of Montana, }
County of..... } ss.

Form of certificate.

This is to certify that ....., whose name appears on the Register Books of ..... County, under date of ....., in Precinct No. ....., is entitled to vote in any Precinct in .....County, upon presentation and surrender of this certificate to the Judges of Election, at the Precinct in which the above named elector desires to Vote.

Witness my hand and seal of ..... County, State of Montana, this .....day of..... 19...

.....
County Clerk and ex-officio Registrar.

Section 8. The board of county commissioners, school trustees in school districts of the first and second class, and the city council who have charge and control of the election in the several counties, cities and towns, or school districts of the first class, shall provide and furnish to the county clerk not later than the first day of January 1915 and biennially thereafter for each election precinct of the county, city or school district of the first class, registration books which shall

Registration books to be furnished clerk by whom.

HeinOnline -- 1913 173 1913

Size and arrangement of books.

be of sufficient strength and durabilty for the temporary registration provided for. Such books shall be of convenient size, and shall be arranged for the registration of the names in alphabetical divisions, each alphabetical division to be composed of ruled columns, with appropriate headings, under which the information obtained by the registry officer concerning the proper statements, answers and statements made by each elector to be registered in compliance with this act, shall be recorded. Such registration book shall be in substantially the same form as hereafter provided. Such registration books shall be so arranged that the precincts created by the board of county commissioners shall show and be arranged in numerical order.

Form of books to be substantially as herein provided.

Precinct and ward registers and all registry books to be substantially in form given in section.

Section 9. Said precinct registers and all registry books furnished for precinct or ward registers shall be in substantially the following form:

Official Register of Electors of ————Precinct, ————————County, Montana. ————

NUMBER	DATE	VOTED	NAME IN FULL

OCCUPATION	AGE	HEIGHT	NATIVITY

Naturalized when and where————Residence, giving street No. ————or Sec. and Twp.————

Postoffice Address ————————Length of time in School District ————————State, county or city

City Ward————Physical Disabilities———— Number ————————if any ————————

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Remarks

In making registration clerk must enter in registry, what.

Section 10. The county clerk as ex-officio county registrar must enter, on the precinct registers hereinbefore provided for, under the proper heading, the number and date of the registration, the name in full, the occupation, the age, height and nativity of the elector and when the person so registered is of foreign birth, the fact of the exhibition of, or failure to exhibit, his certificate of naturalization or a certified copy thereof must be noted in the column provided for that purpose, a particular description of the house, building, or room in which he resides, such as will enable a person of common intelligence to find the same, without difficulty, the post office address of the elector, the length of time the elector has resided within the state, county, city or school district within which the elector resides, the number of the ward of the city within which the elector resides, any physical disabilities that the elector may have, must be noted in the column provided for that purpose, which lists properly entered as in this section provided, is to be known as the "precinct registers" of the electors of the respective election precinct. If any person fails or refuses to give answer in any particular, as may be required by question, of the county clerk, he must not be registered.

Lists to be known as "precinct registers."

Persons refusing to answer questions not to be registered.

Person registering must subscribe to oath.

Section 11. Every person applying to be registered must, before he is entitled to have his name registered, take and subscribe the following oath or affirmation, if able to do so, and if not, the Clerk or deputy shall write the applicant's name and note the fact of his inability to subscribe same, which must be administered by the county clerk as ex-officio county registrar, except as herein otherwise provided:

Clerk to administer oath.

Oath of Elector.

State of Montana,
County of———— } ss.

———— No. ————

Oath of elector.

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature as signed below, is my true name and signature; that my full name is

HeinOnline -- 1913 175 1913

———————— occupation————————; my age is ————years; that my height is ———— feet ————inches; that I was born in———— that I was naturalized (when)———— at ———————— that my residence is No.————————street, or upon Section———————— Township———————— N. R. ————————West; my post-office address is ————————length of time in State———— years; that I reside in School District No.————, City Ward No.———— Precinct No.———— and that I am able to mark my ballot(or I am unable to mark my ballot by reason of being physically disabled in the following particulars ————————; that I am a citizen of the United States; that I have resided within the State of Montana for a period of at least one year last past and in the County of ———————— more than thirty days last past, and in the City of———————— for a period of at least six months last past immediately preceding this election; that I am not registered elsewhere within the State of Montana, so help me God, under the pains and penalties of perjury.

Subscribed and sworn to before me this ———— day of ————————, 19—.

————————————

County Clerk and Ex-officio County Registrar,
By ————————————

Voter may register if, on date of election, he shall have resided in the state, county and city the required length of time.

Section 12. If any applicant for registration applies to be registered who has not resided within the State of Montana, or the county or city in the required length of time, and who shall be entitled to and is qualified to register on or before the day of election, provided he answers the questions of the County Clerk in a satisfactory manner and it is made to appear to the county clerk that he will be entitled to become a qualified elector by the time upon which the election is to be held, the county clerk shall accept such registration and enter the elector's name in the precinct registers. If any person applies to be registered who is not a citizen of the United States but states that he will be qualified to be registered as a citizen of the United States before the time upon which the election is to be held, the county clerk shall accept such registration, but shall write opposite the name of such person the words, "To be challenged for want of natural-

If he will have become a citizen of he United States before election day.

Entry to be made opposite such name.

HeinOnline -- 1913 176 1913

ization papers" and such person shall not be entitled to vote unless he exhibits to the judges of election his final naturalization papers.

Must exhibit his naturalization papers.

Section 13. The county clerk of each county shall keep and preserve, in the manner herein after provided, all affidavits as provided for in Section 11 of this Act, and shall number them in numerical order, according to the time in which the person is registered. He shall have all affidavits signed by any elector who has registered, bound together in book form in volumes containing affidavit of electors to the number of two hundred, and bound volumes of affidavits shall be kept and preserved by the county clerk as public records, and the affidavits contained therein shall be accepted by all courts of the State of Montana as conclusive proof that the electors signing such affidavits made the statements in said affidavit.

Registration affidavits to be numbered and preserved.

To be bound in book form, 200 in each.

To be kept as public records.

Conclusive proof of what.

Section 14. When electors make the affidavits provided for in this act, the county clerk shall arrange in the precinct registers, the school district registers in school districts of the first class, and the registers for the precincts of any city or town the names alphabetically according to surnames in the separate precinct registers for county, city, town or school precints in school districts of the first class, but the same number given the elector in the precinct registers shall be given him in each of the several separate registry books.

Names to be arranged in all registers alphabetically according to surnames.

Same number to be given electors in each several registry book.

Section 15. Every elector residing within the county may be registerd by personally appearing at the clerk's office and complying with the provisions of this act, but if any elector entitled to register, and who resides more than ten miles distant from the court house of said county, or if said elector is unable, for any reason, to conveniently register as aforesaid, he may register, without charge, before a Notary Public or a justice of the peace of the county in which he resides, by making out, or having made out in his presence, one of the affidavits provided for in Section 11 of this act.

Where elector may be registered.

If he resides more than 10 miles from the court house, etc., may register before whom.

Section 16. The county clerk shall, upon application, supply any justice of the peace or Notary Public, with a sufficient number of blank affidavits as provided for in this act, free of charge; each justice of the peace or Notary Public who shall register electors shall, at the time he administers oath to the elector, enter their names in the record book kept by him for that purpose,

Clerk to supply blank affidavits to whom.

Duty of justice of the peace and notary publics in registering electors.

HeinOnline -- 1913 177 1913

Compensation of justices and notary publics.

County Commissioners to audit such bills and order them paid.

Duty of county clerk regarding such registrations.

in alphabetical order, according to surname and the date of application for registration. He shall not charge the elector anything, but he shall be entitled to receive from the county, the sum of twenty-five cents for each elector so registered by him, whose affidavit has been duly filed with the county clerk. After each general and special election, the county commissioners shall audit such bills and order payment in accordance therewith. The county clerk upon receipt of the affidavit of any elector, made out in proper form and in the manner required by this act, from any justice of the peace or notary public, shall forthwith enter upon the proper precinct register the facts contained in such affidavit. The county clerk shall file such affidavit of registration and give it the proper numerical number, to which it is entitled, and such affidavit shall be kept and preserved by the county clerk in the same manner as all other affidavits of electors who may have made application to register. The justice of the peace or notary public who registers an elector as hereinbefore provided must cause the affidavit of the elector to be delivered, or mailed, postage prepaid to the county clerk within five days after the elector makes the affidavit, and if any notary public or justice of the peace shall fail so to deliver, or mail the said affidavit to the county clerk as herein required, he shall be liable upon his official bond to the said elector in a penal sum of one hundred dollars to be recovered by the elector in an action in the district court.

Time within which justices of the peace and notary publics shall transmit affidavits to county clerk.

Liability and punishment upon failure.

Section 17. Every elector on changing his residence, after registering may, within the time for registering, cause his former registration to be cancelled, by a request in writing to the county clerk where he is registered, which request in writing shall be accompanied by an affidavit of the elector in the following form:

Elector may have his registration cancelled when and how.

State of Montana, }
County of———— } ss.

Affidavit.

I, the undersigned elector do solemnly swear (or affirm) that my name and signature, as signed below, is my true name and signature. If I have not personally signed it is for the following reason:———— ———— and it was signed by request by the attesting officer. That while a resi-

HeinOnline -- 1913 178 1913

dent of————precinct, in————county, Montana, I registered, but on———day of————, 19— I moved my residence to Section———— Township———— Range———— County, Montana, or if in a city or town to No. ——— street in the city of ————, I occupy room No. ——— of the————floor; that at the time of making my original registration I was of the age of ———years and stated the fact to be that I was born in ————and that I was naturalized and became a citizen of the United States by ——— ————; that my height was———feet and ———inches,—— I therefore request the cancellation of my registration in said precinct, in ——— ————County, Montana, and that I be re-registered to conform to my present address.

————————————

Elector.

Subscribed and sworn to before me this ———day of ————, 19—, justice of the peace in and for the county of ————or, notary public for the State of Montana, residing at ————. My commission expires ————.

Affidavit to be filed when.

Such affidavit shall be filed with the county clerk where the elector was registered. The county clerk shall compare the signature of the elector with the signature upon the affidavit for the registration, which the elector seeks to have cancelled, and if the county clerk is satisfied of the genuineness of the affidavit for cancellation, he shall file the said affidavit and request, and page the same within the precinct registers of the county, city or school districts of the first class, in red ink, drawing a line through the elector's name and writing "cancelled" and the number of the page where the affidavit and the request is found, and attest the cancellation by signing his own signature. Thereupon the elector may be re-registered in the same manner as if he were making an original registration. If any elector who, having previously been registered, as provided in this act, remove from said county to another county in the state of Montana, he shall file with the county clerk of the county to which he has moved and wherein he then resides two affidavits, made in duplicate and in the form provided in this section. Upon the filing by the elector of such affidavits in du-

Duty of clerk in cancelling registration.

Elector may be re-registered.

When elector removes to another county.

Affidavits to be filed with county clerk.

HeinOnline -- 1913 179 1913

plicate, together with the affidavit required by Section 11 of this act, the registration of such elector in the county wherein he has previously been registered shall be deemed cancelled and such elector shall thereafter be entitled to be registered in the county where he then resides. Upon filing the duplicate affidavits, as required in Section 17 of this act, with the county clerk of the county wherein such elector then resides, the said county clerk shall forthwith and not more than two days thereafter transmit to the county clerk of the county wherein such elector was previously registered, one of the duplicate affidavits for cancellation of the previous registration of said elector. Upon the receipt of such duplicate affidavits of the elector as in this section provided, the county clerk shall thereupon cancel the rgistration of the elector in the proper precinct registers of said county, in the manner and as provided for the cancellation of electors in this act.

Old registration to be deemed cancelled and elector may then register in county where he resides.

Duty of clerk to transmit to county clerk of electors former residence, what.

Cancellation of old registration.

Section 18. All electors residing in the town or incorporated cities which is the county seat, or who reside within ten miles of the court house of said county and where the county clerk has his office, shall personally appear in the clerk's office and comply with the provisions of this section in order to be registered. The county clerk shall close all books of registration for the full period of thirty days prior to and before any general election, and for the full period of 30 days immediately preceding any primary nominating election and for the full period of 30 days immediately preceding any city, town or municipal election, or municipal election, or municipal primary election, or school district election, and in red ink write on the line below where the last elector registered, "Closed on account of election to be held on ————————," He shall then, immediately, in the index pages in the precinct registers, opposite the name of each precinct, in writing certify the number of electors registered in each precinct and sign his name and title, and fix the seal of the county thereto, and he shall immediately transmit to the secretary of state, a certificate showing the number of voters registered in each precinct in said county, he shall likewise close the books of the precinct registers of each precinct, or the precinct books for each municipal corporation, or the precinct books of each school district, and certify in each of the precinct regis-

Electors who shall personally appear before county clerk to register.

Registration books to be closed when.

Before general election.

Primary election.

City election.

School District election.

Clerk shall make what entries, etc.

Certificate to the secretary of state.

HeinOnline -- 1913 180 1913

ters the total number of electors registered in each precinct, and not cancelled, and signed the same with his official title and affixed the seal of the county thereto. Whenever the period during which said book is to remain closed preceding any primary, municipal or school election, shall occur during the same period within which any elector would be entitled to register, to vote at a general or special election, said books shall be closed only insofar as the registration of electors for the particular election to be held. Any elector offering to register who will not be entitled to vote at the particular election for which said books of registration are closed shall not be entitled to register. The county clerk of each county must cause to be published in each new paper publication within his county for thirty (30) days before which time when such registery books shall be closed for any general or special election, primary and nominating election, city, town, or municipal election, or municipal primary election, or school election, a notice signed by him to the effect that such registry book shall be closed on the day provided by law, and which day shall be specified in such notice; and must also state that electors may register for the ensuing election by appearing before the county clerk at his office, or by appearing before a justice of the peace, or notary public in the manner provided by law. The publication of such notice must continue for the full period of thirty days.

Books closed on account of any election, remain open for registration for other elections.

Elector who will not be entitled to register when books are closed.

Publication of notice of closing registration books.

Period of publication of notice.

The county clerk must, at least thiry (30) days before the time when such registration books shall be closed for any general or special election, primary nominating election, city, town or municipal election, or municipal primary election, or school election, caused to be posted in not less than three (3) conspicuous places of such precinct in his county, notice of such publication, notice of which shall be kept posted until the registration book shall be closed for the ensuing election.

Posting of notice that registration books will be closed.

Section 19. The county clerk of each county must cancel the entry made in the precinct registers in all precinct registers in the following cases:

Cancellations to be made in the precinct registers.

1. At the request of the party registered.

2. When he knows of the death or removal of the person registered from the county or when at any time it shall be made to appear, by the affidavits of two creditable and responsible, duly registered and qualified

HeinOnline -- 1913 181 1913

electors of the county that any registered person is dead or permanently removed from the county, which said affidavits shall be placed on file by the county clerk.

3. When the insanity of the person registered is legally established.

4. Upon the production of a certified copy of the judgment of conviction of any elector of any felony, in full force against the person registered, or upon information of such conviction obtained as hereinafter provided.

5. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

6. In all other cases in the manner provided by the provisions of this act.

Manner of cancellation.

All cancellations on precinct registers, made in accordance with and under the provisions of this act, by the county clerk and ex-officio registrar, shall be made by drawing a line through and across the entry of registration to be cancelled and the county clerk shall enter the date and cause, upon the precinct registers and such cancelled name shall not appear in the printed list of the registered voters, or in the certified copy of the list of registered voters to be furnished to the judges of election.

When challenges may be filed with county clerk.

Section 20. At any time not later than the fifth day prior to any general or special city or town, school district or primary nominating election, a challenge may be filed with the county clerk, signed by a qualified elector, in writing, and duly verified by the affidavit of the elector, that the elector designated therein is not entitled to register. Such affidavit shall state the grounds of challenge, objection and disqualification.

Contents of affidavit of challenge.

The county clerk shall file the affidavit of challenge in his office as a record thereof. The county clerk must

Clerk to deliver certified copies of challenges with precinct registers and check list.

deliver a true and correct copy of any and all of such affidavits so filed, challenging the right of any elector to vote who has been so registered at the same time, and together with the copy of the precinct registers and check lists, and other papers required by this act

Note of challenge to be entered opposite name.

to be delivered to the judges of election, as in this act provided, and he must write, distinctly opposite to the name of any person to whose qualification as an elector, objections may be thus made, the words "To

HeinOnline -- 1913 182 1913

be challenged." It shall be the duty of the judges of election, if on election day, such person who has been objected and challenged applies to vote to test, under oath, his qualifications. Notwithstanding the elector is registered, his right to vote may be challenged on the day of election, by any qualified registered elector, orally stating, to the judges of election, the grounds of such objection or challenge to the right of any registered elector to vote.

Duty of judges respecting challenges.

Challenges at voting place.

It is the duty of the judges of election when it appears that any elector offers to vote and is either challenged by a duly qualified registered elector, on election day, or if an affidavit of objection to the right of such elector to vote has been filed with the county clerk and the copy of the precinct registers furnished to the judges of election have endorsed thereon, opposite to the name of such elector. "To be challenged," to test the qualifications of the elector and ask any questions that such judges may deem proper, and shall compare the answers of the elector to such questions with the entries in the precinct register books, and if it be found that said elector is disqualified, or that the answers given by such elector, to the questions propounded by the judges do not correspond to the entry in the precinct registers, or that said elector is disqualified from any cause under the law, or if he refuses to take an oath as to his qualifications, he shall not be permitted to vote. The judges of election, in their discretion, may require such elector to produce before them, one or more freeholders of the county, and they may deem necessary, and have them examined under oath, as to the qualifications of the elector.

Test of qualifications of voter challenged

When party shall not be permitted to vote.

Judge may require challenged party to produce freeholders to testify.

Section 21. For the purpose of registration or voting, the place of residence of any person must be governed by the following rules as far as they are applicable.

How "residence," determined.

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

Fixed habitation.

2. A person must not be held to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State, nor while a student at any institute of learning, nor while kept at any alms house or other asylum at

When residence not to be considered lost.

HeinOnline -- 1913 183 1913

the public expense, nor while confined in any public prison, nor while residing on any Indian or Military reservation.

Soldiers, seamen and marines in U. S. army.

3. No solider, seamen or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed at any military or naval place within the same.

Leaving home temporarily.

4. A person must not be considered to have lost his residence who leaves his home to go into another state, or other district of this state, for temporary purposes merely with the intention of returning, provided, he has not exercised the right of the election franchise in said state or district.

Residence not gained by temporary house without intention of remaining.

5. A person must not be considered to have gained a residence in any county into which he comes for temporary purposes merely without the intention of making such county his home.

Moving out of state intending to remain.

6. If a person removes to another state with the intention of making it his residence, he loses his residence in this state.

Moving to another state to remain.

7. If a person removes to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period.

Presumed residence.

Intent to remain controls.

8. The place where a man's family resides is presumed his place of residence, but any man who takes up or continues his abode with the intention of remaining, or a place other than where his family resides, must be regarded as a resident of the place where he so abides.

How change of residence can only be made.

Residence not lost until when.

9. A change of residence can only be made by the act of removal jointed with the intent to remain in another place. There can only be one residence. A residence cannot be lost until another is gained.

Term of residence computed how.

10. The term of residence must be computed, by including the day on which the person's residence commences and by excluding the day of the election.

Living upon an Indian or military reservation.

11. Any person living upon an Indian or Military reservation shall not be deemed to be a resident of Montana, within the meaning of this Chapter, unless such person has acquired a residence in some county in Montana prior to taking up his residence upon such Indian or Military reservation; provided, that if such person shall not be in the employ of the government

HeinOnline -- 1913 184 1913

while residing upon such Indian or Military reservation, such person shall not be considered a resident of the State of Montana.

Production of certificate of naturalization upon registration.

Section 22. When a naturalized citizen applies for registration his certificate of naturalization or a certified copy thereof must be produced and stamped, or written in ink by the registry agent with such registry against's name and the year and day and county where presented, but if it satisfactorily appears to the registry agent, by the affidavit of the applicant (and the affidavit of one or more creditable electors as to the credibility of such applicant when deemed necessary), that his certificate of naturalization or a certified copy thereof is lost or destroyed or beyond the reach of the applicant for the time being, said registry agent must register the name of said applicant, unless he is by law otherwise disqualified; but in case of failure to produce the certificate of naturalization or a certified copy thereof, the registry agent must propound the following questions:

How loss of naturalization papers be established.

1. In what year did you come to the United States?
2. In what State or Territory, county, court and year were you finally admitted to citizenship?
3. Where did you last see your certificate of naturalization, or a certified copy thereof?

Questions to be propounded when naturalization papers can not be produced.

The said affidavit must be retained by the registery agent and returned with the register to the county clerk. No person shall be required to exhibit his naturalization papers or make said affidavit a second time, where he has been a continuous resident of the district and where his name is upon the official register in the possession of the registry agent.

When party will not be required the second time to produce papers or make proof.

When clerk shall prepare precinct books and how.

Section 23. During the time intervening between the closing of any registration of electors and the day of the next ensuing election, each county clerk must carefully copy from the official register into suitable books, two for each election precinct within his district, the names of the electors registered for such election precinct alphabetically arranged, entering opposite each name the number it bears on the official register, together with the words requiring challenges and all other entries therein found opposite the name.

Clerk shall cause list of electors to be printed when.

Section 24. The county clerk shall at least ten days preceding any general or special city or town election, or school district election in districts of the first class,

HeinOnline -- 1913 185 1913

List shall contain what.

or primary nominating election, cause to be printed a list of all electors entitled to be registered and who are on the precinct registers as entitled to vote in the several precincts of such county, city or town, or school district of the first class. Such printed list of registered electors shall contain the name of the elector in full, together with his residence and the registry number. The expense of printing said list shall be paid by the said county, city, town or school district in which the election is to be held. The county clerk shall cause to be posted, not less than eight days before any such election as in this act provided for, at least five copies of such printed registry lists in at least five conspicuous places within the said precinct, a copy of the list of registered voters, and shall retain a sufficient number of said printed lists of registered voters in his office as may be necessary. He shall furnish to any qualified elector of the city, town, school district or county, applying therefor, a copy of the same.

Posting of copies of printed list.

To furnish lists to whom.

Precinct registration lists to be furnished by clerk when.

Section 25. The county clerk shall not less than five days preceding any said town or city election, transmit to the city or town clerk two certified copies of the precinct register for each precinct contained in any city or town, which certified copies of said precinct registration shall be the official register for such city or town election, and not less than five days preceding any school district election, in school districts of the first class, the county clerk shall transmit to the clerk of the school board of such school district of the first class, one copy of the precinct register, for each precinct contained in the said school district. The city or town clerk, or clerk of the school board of any school district of the first class, shall deliver to the judges of election of each precinct the certified copies of such registration for such precinct as herein provided for, and as certified to them by the county clerk. The county clerk at least two days before any general special or primary nominating election, shall deliver to one of the judges of election of the precinct within which such general or special, or primary nominating election is to be held, two certified copies of the electors registered and entitled to vote in such precints.

Same shall be the official register.

Registration lists for school elections.

Duty of city, town and school clerks regarding same.

County clerk to furnish certified lists of electors to judges.

Judges shall make crosses opposite voters name, when.

Section 26. The judges of election in each precinct, at every general or special election, shall, in the precinct register book, which shall be certified to them

HeinOnline -- 1913 186 1913

by the county clerk, mark a cross (X) upon the line opposite to the name of the elector, before any elector is permitted to vote the judges of election shall require the elector to sign his name upon one of the precinct register books, designated by the County Clerk for that purpose, and in a column reserved in the said precinct books for the signature of electors. If the elector is not able to sign his name he shall be required by the judges to produce two freeholders who shall make an affidavit before the judges of election, or one of them, in substantially the following form:

Elector must sign upon precinct register before voting.

When elector unable to sign his name.

State of Montana. }
County of———————— } ss.

Affidavit of freeholders.

We, the undersigned witnesses do swear that our names and signatures are genuine, and that we are each personally acquainted with ————————, (the name of the elector) and that we know that he is residing at ————————, and that we believe that he is entitled to vote at this election, and that we are each freeholders in the County, which affidavit shall be filed by the judges, and returned by them to the County Clerk, with the return of the election; one of the judges shall thereupon write the elector's name, and note the fact of his inability to sign, and the names of the two freeholders who made the affidavit herein provided for. If the elector fails or refuses to sign his name, and if unable to write fails to procure two freeholders who will take the oath herein provided, he shall not be allowed to vote. The judges of election shall immediately after the election and canvass of returns of said election, deliver to the county clerk, one copy of the official precinct register, and the other copy of said official precinct register to the county clerk, sealed, with the election returns and poll books, which have been used at said general or special election, and said judges of election shall deliver to the county clerk, said official precinct register, not later than seven days after any general or special election held within the State of Montana.

Elector shall not vote when.

Judges shall return the official precinct registers to county clerk, one copy sealed with the returns and poll books.

Must be done within what time.

Section 27. The county clerk, as soon as practicable after every general or special election, and not later than the 31st day of December, thereafter, shall mark in the precinct register, opposite to the name of each elector registered therein, in the proper precinct, with a cross (X) in the column under the word "Voted,"

When county clerk shall mark names of those who voted at last election.

HeinOnline -- 1913 187 1913

opposite to the name of such elector, as such electors may be shown to have voted by the official precinct register, delivered by and returned to the county clerk, by the judges of election for each precinct within the county.

County clerk shall biennually, after Jan. 20, 1915, copy into precinct register what names.

Section 28. The county clerk of each county shall, between the 1st and 20th day of January 1915 and biennially thereafter, copy into the precinct register for the preceding two years, which are upon such precinct register for the preceding two years, and which said names of electors shall have voted at the general election in November, 1914, and biennially thereafter.

Names which shall not be copied into precinct register.

The county clerk shall not enter upon the precinct register the name of any elector which may have been entered upon the precinct register for the preceding two years which shall have been cancelled for any cause, or which does not show that the elector voted and exercised the privilege of franchise in the general or special November election preceding it.

Entry of names of regsitered electors.

The county clerk shall, at the same time, make and enter into the precinct registers for the several precincts in the county, school district and cities or towns, situate within said county, the names of the electors as shown by the official register, as residing within such precincts.

Precinct registry to be closed between the 1st and 20th of January, 1915.

The precinct register shall be closed and no person shall be entitled to register between the first day of January, 1915, and the 20th day of January, 1915 inclusive, but said precinct register shall be closed for all purposes except for the purpose of transferring the names to the precinct registers, of the several precincts.

Official precinct register after January, 1915.

The precinct registers herein provided for, in the year 1915, and biennially thereafter, shall constitute and be the official register for the ensuing two years. The county clerk shall enter into the precinct registers the names of all electors entitled thereto, in addition to the names entered into the said precinct register, and taken from the precinct register of the preceding two years.

Additional names to be entered.

Compensation to be paid by cities, towns and school districts for preparing copies of precinct registers.

Section 29. The county clerk of the county shall receive, for the use and benefit of the county, from every city or town, and from every school district, for making and preparing the copies of the precinct registers, the sum of two cents for each and every name entered therein.

Other costs to be paid by cities and school districts.

The cost of furnishing lists and cost of publications announcing of the closing of the pre-

HeinOnline -- 1913 188 1913

cinct registers for city and school elections shall be paid by the city and school districts. The city or town council or board of school trustees shall order a warrant drawn for such sum as may be due for such copies of the official precinct register, to be used in city or school election within thirty days after the presentation to them of a bill or account showing the amount due from the county clerk.

When warrants to be drawn.

Section 30. The county clerk shall furnish to any person or persons who in writing may request a copy of the official precinct registers of any county, city or school district precinct, and upon delivery thereof, shall charge and collect for the use and benefit of the county the sum of two cents for each and every name entered in such official precinct register.

Other persons may pay for and obtain official copies of precinct registers.

Section 31. The county clerk shall, if the city or council or board of school trustees fail, neglect or refuse to furnish the proper number of precinct registers for precincts within the city or town or school district, procure precinct registers therefor, and the cost thereof shall be a charge against the city or school district and shall be paid for by the city council or board of school trustees, in the same manner as is provided for copies of the official precinct registers.

When county clerk may procure precinct register books at costs of cities and school districts.

Section 32. In any action or proceeding instituted in a district court to compel the county clerk to make and enter the name of any elector in the precinct register, as many persons may be joined as plaintiffs for cause of action and as many persons as there are causes of actions against, may be joined as defendants.

Number of persons who may be joined as parties to actions against clerk to compel registration of any person.

Section 33. At any special election held for any purpose in any county, copy of the official register and check list which were printed or written before and used at the last preceding general election must be used and no new registration need be made.

At special elections no new precinct register need be made.

Section 34. Before the day on which such special election is appointed to be held, the county clerk must furnish one of the judges in each election precinct, at a time not later than one day next preceding the day of election, a copy of the official register and check list for his precinct, but no copies need be posted.

At special election clerk to furnish judges copy of official register and check list.

Section 35. No person shall be entitled to vote at any election mentioned in this act unless his name shall, on the day of election, appear in the copy of the official precinct register or check list, furnished by the

No person can vote who is not registered.

HeinOnline -- 1913 189 1913

county clerk to the judges of election, at the precinct at which he offers to vote; and the fact that his name so appears in the check lists and in the copy of the official precinct register, in the possession of the judges of election, shall be prima facia evidence of this right to vote; provided, that when the judges shall have good reason to believe, or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name.

Appearance of name on check list prima facie evidence.

When voter must prove his identity.

Power to deputy county clerk.

Section 36. Wherever in this act the word "County Clerk" appears, it shall be construed as extending and giving authority to any regularly appointed deputy county clerk.

Penalty for failing to perform any duty prescribed by this Act.

Section 37. Any person or persons or any officer of any county, city or town or school district, who, under the provisions of this act are required to perform any duty, who shall wilfully or knowingly, fail, refuse or neglect to perform such duty, or to comply with the provisions of this act, shall, upon conviction, be fined in a sum of not less than three hundred dollars ($300.00), not more than one thousand dollars ($1000.00) or by imprisonment in the county jail for a period of not less than three months and no more than one year. Upon the conviction of any officer of the violation of the provisions of this act, the judge of the district court hearing such proceeding shall, at the time of rendering judgment of conviction, include in such order of conviction, an order of the court that such officer be removed from office.

Conviction of officer hereunder deprives him of his office.

Judges must administer oath to any challenged elector.

Section 38. If any person offering to vote at any primary election be challenged by a judge or any qualified elector at said election, as to his right to vote thereat, an oath shall be administered to him by one of the judges that he will truly answer all questions touching his right to vote at such election, and if he refuse to answer any question which may be put to him touching his right to vote at such election, or if it appear that he is not a qualified voter under the provisions of this act, his vote shall be rejected; and if any person whose vote shall be so rejected shall offer to vote at the same election, at any of the polling places, he shall be deemed guilty of a misdemeanor.

Refusing to answer questions.

Offering to vote at another polling place.

HeinOnline -- 1913 190 1913

Section 39. Any person who shall make false answer, either for himself or another, or shall violate or attempt to violate any of the provisions of this act, or knowingly encourage another, to violate the same or any public officer or officers or other persons upon whom any duty is imposed by this act, or any of its provisions, who shall willfully neglect such duty, or shall willfully perform it in such way as to hinder the objects and purposes of this act, shall excepting where some penalty is provided by the term of this act, be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the State Prison for a period of not less than one year or more than fourteen years, and if such person be a public officer, shall also forfeit his office.

Duty of county commissioners to supply clerk with sufficient help.

Section 40. It shall be the duty of the board of county commissioners of each county to provide the county clerk thereof with sufficient help to enable him to properly perform the duties imposed upon him by this act.

Names of women not to be registered except when.

Section 41. The names of women shall not be registered in any precinct register which is to be used at an election at which women are not entitled to vote, and the names of women who have been regularly registered shall be carried forward into the new registration books, unless the said women fail to vote at an election at which women are entitled to vote.

Names of women registered to be carried forward.

Provisions of Act to apply to bond elections in first and second class school districts.

Section 42. The provisions of this act shall apply to Bond Elections in school districts of the first and second class; provided that any elector of the district who has already registered as provided for in this act for any general or municipal election shall not be required to re-register for said bond election.

Persons heretofore registered under existing law.

Section 43. Nothing herein contained shall be construed as requiring any person who has heretofore registered in any County under the provisions of Section 7, Chapter 113 laws of Montana, of 1911, to re-register.

Repealing clause.

Section 44. All acts or parts of acts and all amendments thereto in conflict herewith are hereby repealed.

Section 45. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 12, 1913.

HeinOnline -- 1913 191 1913

CHAPTER 75.

"An Act to Create and Appoint a State Tax Commission, to Define the Powers and Duties thereof, to Provide for the Appointment of County Boards of Appraisers, to Define the Powers and Duties thereof; to Provide for the Appraisement of all Property in the State by said State Tax Commission and County Boards of Appraisers, to Provide for the Enforcement of its Provisions, and to Punish Violations thereof, and to Appropriate Funds to Carry this Act into Effect."

Be it enacted by the Legislative Assembly of the State of Montana:

State tax commission created.

Section 1. There is hereby created a State Tax Commission.

To be composed of whom.

Said Commission shall be composed of the Governor, Secretary of State, State Treasurer, Attorney General, State Auditor, and a man to be appointed as herein provided.

State tax commissioner.

Section 2. That said man to be appointed as hereinafter provided, shall be designated as the State Tax Commissioner, and shall be one skilled and expert in matters of taxation and conversant with the revenue laws. He shall be ineligible to re-appointment. He shall be appointed by the Governor, and shall hold office for the term of six (6) years, and until his successor is appointed. He shall, before entering upon the discharge of his duties, execute a bond, payable to the State of Montana, in the penal sum of Ten Thousand ($10,000.00) Dollars, and shall take and subscribe an oath for the faithful discharge of his official duties. He shall devote his entire time and attention to the duties herein imposed. He shall not serve on, or under the direction of, any political committee, or take any part whatever in politics, except to vote, during the term of his office. He shall have the same power and authority as the other said members of the Commission shall have, but no greater powers or authority than they may have by law conferred upon them. He shall be paid Thirty-six Hundred ($3600.00) Dollars per annum, payable monthly, together with his necessary traveling expenses while in the discharge of his duties, said expenses to be audited and paid in like manner as those of other State officers.

Qualifications. Appointment.

Term of office.

Official bond.

To abstain from politics during term.

Power.

Salary and expenses.

It shall be unlawful for him to receive any pass or

HeinOnline -- 1913 192 1913

gratuity from any person or corporation having property subject to taxation under this Act, and should he violate this provision he shall be removed from office.

Shall not receive any pass or other gratuity from whom.

Section 3. In addition to his duties as a member of the State Tax Commission he shall be Ex-officio member of the several Boards of County Appraisers herein provided for, and it shall be his duty to visit each County within the State at least once each year, and to assist and direct them in the discharge of their duty.

Ex-officio a member of boards of county appraisers.

Annual visits to each county in state.

Section 4. The State Tax Commission shall every two years designate and appoint three reputable citizens in each county of the State, who shall be residents and taxpayers in the county for which they are appointed, one of whom shall be a farmer, and one of whom shall be a merchant; Provided, however, that no county official or candidate for office shall be appointed, and the three persons so appointed shall constitute a county board of appraisers and in all the said county boards of appraisers the State Tax Commissioners shall be a member Ex-officio thereof.

Appointment of county board of appraiser biennially.

Qualification.

State tax commissioners an ex-officio members of.

Section 5. Each member of said Board shall be allowed a compensation of Eight ($8.00) Dollars per day for his services while actually employed in the discharge of his duties as a member of said Board, such compensation to be allowed by the Board of County Commissioners, and paid in the same manner as similar claims against the County.

Compensation of county appraisers.

Section 6. It shall be the duty of said County Board of Appraisers, with the assistance of the State Tax Commissioners, to fix the valuation and appraisement of all real estate, merchandise and other property in their respective counties, which valuation shall be fixed at the "true value," of such property for assessment purposes. And to the end that a fair and just appraisement shall be made for such purposes, it shall be the duty of the members of said County Board of Appraisers, first appointed under this Act, to visit and inspect all real estate and stocks of merchandise located in their respective counties and all property of the same kind and class shall be appraised fairly and without discrimination.

Duty of county boards of appraisers.

Section 7. It shall be the duty of the County Assessor, or his deputy, to assist the said County Board of Appraisers, and the State Tax Commissioner, and to give them all of the information in his possession con-

Duty of county assessors.

HeinOnline -- 1913 193 1913

cerning property to be appraised, and to advise as to its valuation.

Duty of board of appraisers and state tax commissioner in appraising and classifying property.

Section 8. It shall be the duty of said County Board of Appraisers, and the State Tax Commissioner, each year, to appraise as aforesaid all merchandise and personal property in the several counties of the State, and to classify and appraise according to the true value of the same all real estate therein.

Report of appraisers to state board of equalization.

Section 9. It shall be the duty of said County Boards of Appraisers to make a complete and full report to the State Board of Equalization and to deliver a copy thereof to the County Board of Equalization and a copy thereof to the Assessor, and a copy thereof to the State Tax Commission.

Duty and powers of state tax commission.

Section 10. Said Tax Commission, of which the Governor shall be chairman, shall have the power, and it shall be its duty, to have and to exercise; general supervision of the system of taxation and collection of taxes and revenues throughout the State. To require all assessment of property in this State to be made according to law. To advise the officers whose duty it is to execute the tax and revenue laws of the State, when requested by any officer and to inform such officers in relation to their duties with reference to appraisement, assessment and collection of taxes. To examine all books and papers and to require any person to appear before said Board, or any member thereof, and to interrogate such person under oath, or otherwise, for the purpose of enabling the Commission or the Board of Equalization to acquire and obtain all information that could in any manner aid in arriving at the valuation of any franchise or other property taxable in this State. To compel the collection of all inheritance taxes due under the laws of this State. To make such reasonable rules and regulations as the Commission shall deem proper effectually to carry out the purposes for which the Commission is constituted, and to regulate its own procedure, and to have and use a seal. To require from any State, County or Municipal officer, whose duties pertain to appraisement, assessment, levy or collection of taxes, or the disbursement of public revenues, reports and statements, as to any matter deemed material and relevant, in such reasonable form as may be prescribed, to make an annual appraisement of property having a citus in this State,

HeinOnline -- 1913 194 1913

of all railroad companies, sleeping car companies, electric and street railway companies, express companies, telegraph companies, telephone companies, refrigerator car companies, oil and tank line companies, heat, light, power, water, gas and electric companies, as may be doing business as one system, partly within this State and partly without said State, or so doing business in more than one County in this State.

To make annual appraisement of the property of railroads, street car companies sleeping car companies, etc.

Section 11. These several corporations herein enumerated, doing business in this State, are hereby required annually, between the first day of April and the first day of May, to make and file with the State Tax Commission, in such form as said Commission may provide, a statement under oath, to be made, by the President, Secretary, Treasurer, Superintendent, or chief officer of such corporation, covering the period of at least one year, and not to exceed five years, as may be required by such Commission, containing the following facts:

Above named corporations are required to make sworn annual statements to the state tax commission.

The Name of the Corporations, the nature of the business conducted by it, the number of shares of its capital stock issued, and the par value of such shares, a detailed statement of all of its physical property, real, personal and mixed of every kind and character, and where the same is situated.

Facts to be included in annual statements of said corporations.

Section 12. Any corporation which shall refuse or willfully neglect to make any statement or report required by this Act, within the specified time, shall be subject to a penalty of Five Hundred ($500.00) Dollars, for each day of continuance of such neglect or refusal to make or file such statements or report, which penalty shall be recovered in a proper action brought in the name of the State of Montana in any court of competent jurisdiction.

Failure to make statement.

Penalty.

Section 13. The State Tax Commission shall equitably and fairly apportion to the several counties, for purposes of assessment and taxation, the property subject to taxation in this State, as by said Commission appraised provided that such apportionment shall be made in accordance with the proportionate amount of said property returned from the several counties as provided for in Section 10; and provided further, that no property, or any part thereof, assessed in one county shall be assessed in any other county.

Apportionment to the several counties for assessment and taxation.

Property to be assessed in one county only.

Section 14. Each County Assessor must be furnished

HeinOnline -- 1913 195 1913

List to be furnished to county assessor.

with a list of appraised property subject to taxation in his county, and no County Assessor, nor any other officer except Board of Equalization, shall have the power to raise or to lower said valuation and appraisement so made by the State Tax Commission, and County Board of Appraisers, and it shall be the duty of all assessors to assess all property appraised by said State Tax Commission and County Board of appraisers, at the valuation fixed thereon. Nothing herein, however, shall prevent County Assessors from making appraisement of and placing valuation on, all property not appraised by said State Tax Commission and County Board of Appraisers, and it shall be the duty of all County Assessors to assess all property subject to taxation in his County, and any County Assessor who willfully violates the provisions of this Act shall be removed from office and forever after be ineligible to hold any public office in this State.

County assessor has no power to raise or lower valuation, but must assess, how.

Property not appraised by state tax commission of board of appraisers.

Duty to assess.

Violation of provisions of act.

List to be furnished county boards of equalization.

Section 15. The State Tax Commission shall furnish all county Boards of Equalization a list of appraised property for their respective counties, that said County Boards of Equalization may in their adjustment and equalization follow as near as equitable, such appraisement to the end that the rate of taxation may be uniform throughout the entire State.

Time when county boards of appraisers shall assume duties and make the appraisement.

Section 16. That the County Board of Appraisers appointed under the provisions of this Act, shall assume their duties and make the appraisement herein provided for, at such times and dates in the several counties of the State as shall be fixed by the rules of said State Tax Commission, and they shall have at least ten (10) days notice of said dates and time so fixed by said State Tax Commission.

Ten days notice to be given them.

State tax commissioner may assist and advise.

Act shall not apply to what assessments.

Proviso.

Section 17. That the said State Tax Commission may assist and advise all County Boards of Appraisers in their duties, it is provided that this Act shall not apply to the assessment of property or collection of taxes in the year 1913 nor the year 1914. Provided, however, that this Act shall take effect and be in force from and after its passage and approval so far as the appointment of said Tax Commissioner and said County Appraisers is concerned, and they shall have the powers and shall assume the duties herein provided for, as soon as they are appointed.

Section 18. The said State Tax Commission shall,

HeinOnline -- 1913 196 1913

by a majority vote of all of the members, elect a Secretary, who shall serve at the pleasure of the Commission. The Secretary shall keep a record of the proceedings of the Commission in the office of the Commission at the State Capitol, which said office shall be furnished with the necessary equipment. Said Secretary shall perform such duties as may be required by law and by the said Commission. He shall be removable at the will of the majority of the said Board of Tax Commissioners, and his successor appointed by them. He shall receive a salary of Eighteen Hundred ($1,800.00) Dollars per annum, payable quarterly, in the same manner that other officers are paid.

Secretary of state tax commission.

Duties of secretary.

How removed from office.

Salary.

Section 19. Any person violating any provisions of this Act, not herein provided for, shall be punished by a fine of not less than Fifty ($50.00) Dollars, nor more than One Thousand ($1000) Dollars for each offense so committed.

Violating any provision of act.

Penalty.

Section 20. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 21. This Act shall be in full force and effect from and after its approval, except as hereinabove provided.

Approved March 12, 1913.

CHAPTER 76.

"An Act to provide for the establishment and maintenance of a general uniform and thorough system of public free schools; providing who shall be students therein, and prescribing the rights, duties, and obligations of students, and rules for their control and government; to provide for the organization of, and to prescribe the powers and duties of the State Board of Education; to provide for the election and selection of a State Superintendent of Public Instruction, county superintendents, and city superintendents of schools, and to prescribe their powers and duties; to provide for the creation of school districts, and for the election, terms and duties of school officers therein; to provide for the appointment and selection of teachers and prescribe their powers and duties; to provide for teachers' examinations and the granting of certificates to teach in the public schools; to provide for county institutes and summer schools for teachers; to provide for school libraries and a uni-

HeinOnline -- 1913 197 1913

form system of text books for the public schools and prescribing the methods of selecting the same; to provide for the organization and maintenance of county and district high schools; to provide a system of taxation and revenue for the support and maintenance of all public schools and prescribing the several purposes for which and the manner in which the same shall be expended; to provide penalties for the violation of school laws, and to codify all laws with reference to public schools in the State of Montana, and to repeal Sections 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, and 1044, of the Revised Codes of the State of Montana, and Chapters 11, 22, 27, 28, 31, 32, 35, 73, 98, of the Laws of 1909; and Chapters 16, 24, 40, 41, 42, 71, 82, 102 and 131 of the Laws of 1911.

Be it enacted by the Legislative Assembly of the State of Montana:

Chapter I.

State Board of Education.

100. **Membership.**—The State Board of Education

HeinOnline -- 1913 198 1913

State board of education membership.

shall consist of eleven members, of which number the Governor, State Superintendent of Public Instruction and Attorney General shall be ex-officio members.

Members to be appointed by the Governor.

101. **Appointment and Term.**—The Governor shall appoint, by and with the advice and consent of the Senate, the remaining eight members of the board; The term of office for members so appointed upon the Board shall be four (4) years and until their successors are appointed and qualified.

Term of office.

Oath of appointed members.

102. **Oaths.**—The persons so appointed as members of the State Board of Education shall before entering upon the duties of their office, take and subscribe the constitutional oath of office prescribed for civil officers, which shall be filed in the office of the Secretary of State.

Officers.

103. **Officers.**—The Governor shall be the president of said Board, and the Superintend of Public Instruction shall be the secretary thereof. The State Treasurer shall be the treasurer of the Board.

Quorum.

104. **Quorum.**—A majority of said Board shall constitute a quorum for the transaction of business.

Semi-annual and other meetings.

Special meetings may be called when.

105. **Meetings.**—The Board shall hold semi-annual meetings at the State Capitol on the first Monday in June and December in each year, and may hold special meetings at any time and place they may direct. The president and secretary of the Board may also call special meetings of said Board at any time and place, if in their judgment necessity requires it. The members of said board shall receive no compensation for their services, but shall be allowed their actual traveling expenses incurred in attending the meetings of the Board, which expense and all other expenses, on the certificate of the secretary of the Board, shall be audited and approved by the State Board of Examiners, and paid by warrant of the State Auditor on the State Treasurer.

No compensation to members.

Actual traveling expenses.

106. **Powers and Duties.**

Powers and duties.

To have general supervision of state educatitonal institutions.

1. To have general control and supervision of the University of Montana, Montana State Normal College, Agricultural College of Montana, State Orphans' Home, Montana School of Mines, Montana School for the Deaf and Blind, and State Reform School.

Self governing rules and regulation.

2. To adopt rules and regulations, not inconsistent with the Constitution and the laws of this State, for its own government and proper and necessary for the execution of the powers and duties conferred upon it

HeinOnline -- 1913 199 1913

by law.

Rules and regulation governing state educational institutions.

3. To provide, subject to the laws of the State, rules and regulations for the government of the affairs of the State educational institutions named in this Section.

Prescribe standards of promotion to the high school department.

4. To prescribe standards of promotion to the high school department of all public schools of the State and to accredit such high schools as maintain the standards of work prescribed by the board; provided, that in all examinations which shall be given by this Board and shall be conducted by the County Board of Educational Examiners, to determine the scholarship of candidates for promotion to high school, fifty per cent of the credits required shall be based upon the eighth grade work completed in any school of this state and certified to the county superintendent by the principal or teacher of such grade.

Examinations by the board.

Grant diplomas to graduates of state institutions.

5. To grant diplomas to the graduates of all state educational institutions, where diplomas are authorized or now granted, upon the recommendation of the faculties thereof, and may confer honorary degrees upon persons, other than graduates, upon the recommendation of the faculty of such institutions.

Honorary degrees.

Official seal.

6. To adopt and use, in the authentication of its acts, an official seal.

State diplomas for six years.

7. To grant state diplomas valid for six years, and to grant life diplomas.

Records of proceedings.

8. To keep a record of its proceedings.

Annual reports.

9. To make an annual report on or before the first day of January in each year, which may be printed under the direction of the State Board of Examiners.

Appoint teachers as instructors in in county institutes.

10. To appoint and commission experienced teachers as instructors in county institutes.

Have control of books, records and property of state institutions named.

11. To have, when not otherwise provided by law, control of all books, records, buildings, grounds and other property of the institutions and colleges named in this Section.

May receive what moneys and property and use the same, how.

12. To receive from the State Board of Land Commissioners or other boards, or persons, or from the government of the United States, any and all funds, incomes and other property to which any of said institutions may be entitled and to use and appropriate the same for the specific purpose of the grant or donation, and none other; and to have general control of all receipts and disbursements of any of said institutions.

HeinOnline -- 1913 200 1913

13. To choose and appoint a president and faculty for each of the various state institutions named herein and to fix their compensation.

Appoint president and faculty of what institutions.

14. To confer upon the executive board of each of said institutions such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers and employees as may be deemed expedient, and may confer upon the president and faculty such authority relative to the immediate control, and management, other than financial, and the selection of teachers and employees as may by said board be deemed for the best interest of said institutions.

May confer what power upon executive boards.

May confer power upon president and faculty.

107. **Local Executive Boards.**

1. **Membership.**—There shall be an executive board, consisting of three members, for each of said institutions, two of whom shall be appointed by the Governor, by and with the advice and consent of the State Board of Education, and the president of such institution shall be ex-officio member of said board. At least two of said members shall reside in the county where such institution is located. Said executive board shall have such immediate direction and control, other than financial, of the affairs of such institution as may be conferred on such board by the State Board of Education, subject always, to the supervision and control of said State Board.

Executive boards of state educational institutions, how appointed.

Powers of executive boards.

2. **Officers.**—The president of the institution shall be the chairman of the board and said board shall elect a secretary who may or may not be a member of said board, and who may also act as treasurer, and the treasurer of said board shall be treasurer of the institution, and such secretary and treasurer shall give bond with good and sufficient surety for the faithful performance of his duties as such, and for the faithful accounting for and paying over to, and for the use of said institution, all moneys received by him as treasurer. Said bond shall run to the State of Montana and shall be in such sum as may be designated by the State Board of Examiners, and when executed shall be approved by said Board of Examiners. The duties of the chairman and secretaries of each of said executive boards shall be those usually performed by such officers, or which may be designated by the State Board of Education or the State Board of Examiners.

President of institution chairman of board.

Secretary and treasurer.

Bond of Secretary and treasurer.

Duties of chairman and secretary.

HeinOnline -- 1913 201 1913

Term of members of board.

3. **Terms of.**—The ex-officio member of each of said executive boards shall hold his office during his continuance as president of such institution, and the two members appointed by the Governor shall hold office for the term of four years from and after the third Monday in April of the year appointed, unless sooner removed by the Governor or by the State Board of Education. Such members shall qualify by making and filing their oath of office with the State Board of Education.

Removal.

Oath of office.

Board shall meet when.

4. **Meetings of.**—The executive board of each of said institutions shall meet in regular session at least once in each quarter, and monthly, or oftener, if the business of such institutions require it.

Compensation of members.

5. **Compensation of.**—The members of each of the executive boards, except the chairman, shall receive such compensation for their services as shall be fixed by the State Board of Education, not exceeding the sum of Five ($5.00) Dollars for each day actually spent in the discharge of their official duties, and not exceeding the sum of One Hundred and Twenty-five ($125.00) Dollars in any one year for each member, and such members shall also be reinbursed from the amount appropriated by the legislature for the maintenance and support of such institutions, all expenses necessarily incurred by them in discharge of their official duties as members of said boards.

Limit of compensation for the year.

Expenses.

Shall have what control of affairs of institution.

6. **Powers and Duties.**—Said executive board shall have such immediate direction and control, other than financial, of the affairs of such institution as may be conferred on such board by the State Board of Education, subject always to the supervision and control of said State Board.

Concerning current expenses and auditing and paying same.

Said executive boards shall also have and exercise power and authority in contracting current expenses and in auditing, paying and reporting bills for salaries, or other expenses incurred in connection with such institutions, provided, the board of examiners may not limit the power of the executive board in making expenditures or contracts which in no single instance or for any single purpose does not exceed Two Hundred and Fifty ($250.00) Dollars.

State board of examiners not to limit expenditures under $250.00.

Annual June report.

7. **Reports of.**—Each of such executive boards shall on or before the first Monday in June of each year make a detailed statement and report of all its trans-

HeinOnline -- 1913 202 1913

actions and of the condition of the institution, including the number of teachers, professors, and employees, with the salary or wages paid to each and a detailed statement of all expenses and disbursements of such institution, which report shall contain such other information or recommendations as may be required by the State Board of Examiners, or by the State Board of Examiners and the State Board of Education, and the State Board of Education and the State Board of Examiners shall have authority to call for a report and statement from such executive boards at any time such Board may deem it advisable. All such reports by such boards shall be made in triplicate, one copy shall be retained by such board, one copy shall be filed with the State Board of Education, and one copy with the State Board of Examiners.

Other reports may be called for by what authorities, and when.

Reports to be made in triplicate and filed with whom.

8. **Vacancies.**—All vacancies occurring in the membership of any of said executive boards shall be filled by appointment by the Governor, which appointments shall be referred to the State Board of Education at its first meeting thereafter for confirmation.

Vacancies shall be filled how.

108. **Certificates.**

1. **State.—How Obtained.**

(a) By Examination.—State certificates may be issued to such persons as have good moral character and who have held for one year and still hold a professional county certificate, in full force and effect, when such persons have passed a satisfactory examination under the direction of the State Board of Education, in English Literature, History of Education, and General History, and have furnished satisfactory evidence of having been successfully engaged in teaching for at least thirty-five months; Provided, that such certificates shall be renewed if the holder has taught successfully twenty-seven months during the life of said certificate.

State certificates may be issued to whom and when.

Removals.

(b) By Endorsement.—State certificates may be granted to graduates of higher educational institutions and to holders of state certificates, within or without the State, upon conditions established by the State Board of Education.

When and how to graduate.

(c) By Renewal.—State certificates may be renewed by the State Board of Education provided the holder has taught successfully twenty-seven months during the life of said certificate.

Renewals.

HeinOnline -- 1913 203 1913

2. **Life Diplomas—How Obtained.**

Examinations required before issuing life certificates.

(a) By Examination.—Life diplomas may be issued upon the same conditions as state certificates except that in addition the applicant must pass satisfactory examinations and tests under such supervision and upon such additional subjects as may be prescribed by the State Board of Education, and must furnish satisfactory evidence of having been successfully engaged in teaching for at least seventy months.

Period of teaching also required.

(b) By Endorsement.

Graduates of state normal school without further examination.

1. Any graduate of the State Normal College shall, on the registry of his diploma in the office of the state superintendent of public instruction, be entitled to teach in the public schools of the State of Montana without other or further examination for the term of six years after such graduation and every graduate of the three year course shall, on furnishing to the State Board of Education satisfactory evidence of having successfully taught in the public schools of the State twenty-seven months, be entitled to have said diploma validated as a life diploma: and every graduate of the four year course shall on furnishing to the State Board of Education satisfactory evidence of having successfully taught in the public schools of the State eighteen months, be entitled to have said diploma as a life diploma. Provided, however, that those graduating from the State Normal College prior to February 1st, 1913, in the four year course, shall be required to teach successfully but nine months, and those of the three year course but eighteen months, to receive a life diploma.

For what term.

Graduates of three year course and 27 months in teaching entitled to life diploma, when.

Of four year course.

Normal school graduates before February 1, 1913.

Graduate of the university to be granted diploma to teach in high schools without examination for six years.

2. Any graduate of the University of Montana, shall, on the registry of his diploma, together with his University Certificate of Qualification to Teach, in the office of the State Superintendent of Public Instruction, be entitled to teach, in the high schools of the State of Montana without other or further examination, for the term of six years after such graduation, and every such graduate shall, on furnishing the State Board of Education, satisfactory evidence of having successfully taught in the high schools twenty-seven months, be entitled to have said diploma validated as a life diploma.

A life diploma after 27 months of successful teaching.

Rules of the university in issuing teachers certificates to be submitted to board of education.

The rules of the faculty of the University of Montana for the issuance of the University Certificate of

HeinOnline -- 1913 204 1913

Qualification to Teach shall be submitted to the State Board of Education for its sanction.

Life diplomas granted to graduates of high educational institution.

3. On Certificates.—Life diplomas may be granted to graduates of higher educational institutions maintaining the same standards as the University of Montana and the State Normal School, and to holders of State certificates, within or without the State, upon conditions established by the State Board of Education.

Holder of certificates of this or other states.

Certificates and diplomas to be registered where.

3. Registration.—State and life certificates and diplomas, before they shall be valid in any county must be registered in the office of the county superintendent.

Superintendent of public instruction may revoke life diplomas for what causes.

4. Revocation of—Any state or life diploma may be revoked by the State Superintendent of Public Instruction for incompetency or immoral conduct on the part of the holder of it, or for any cause that would require the State Board of Education to refuse to grant it, if known at the time the diploma was granted; but, before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense before said State Board of Education.

Charges and hearing.

Treasurer of executive board of agricultural college authorized to receive certain moneys.

109. **Treasurer Executive Board Agricultural College.**—The treasurer of the executive board of the Agricultural College of Montana shall have the authority to receive from the treasurer of the State of Montana the cash appropriation received from the United States by authority of the Act of Congress of Congress of August 30, 1890, (26 Statutes at Large, page 417), known as the second Morrill Act, and the act of Congress of March 4, 1907, (Statutes at Large page 1281), known as the Nelson Amendment. And such cash appropriation shall be expended by the executive board of said Agricultural College, under the general supervision of the State Board of Education, but only for the purpose for which the same is appropriated by Congress.

How and by whom money to be expended.

Treasurer has authority to receive what other money.

The treasurer of said executive board of said Agricultural College shall also have the authority to receive all moneys appropriated by the Act of Congress of March 16, 1906, (34 Statutes at Large, page 63), entitled, "An Act to provide for and increase the annual appropriation for agricultural experiment stations, and regulating the expenditures thereof," and

HeinOnline -- 1913 205 1913

How money expended.

such money shall be expended by said executive board under the supervision and direction and control of the State Board of Education in the manner and for the purpose designated in said Act of Congress, and as required by Section 741 of the Revised Codes of Montana of 1907. The Treasurer of the Agricultural College of Montana shall, on or before the first day of September of each year, make a detailed statement of the amounts received and disbursed under the provisions of the act of Congress of March 30, 1890, and of March 4, 1907, and shall report the same to the secretary of agriculture of the United States and to the secretary of the interior of the United States, as required by said acts of Congress, and shall file a duplicate thereof with the State Board of Examiners of the State of Montana on or before the 10th day of September of each year. Said treasurer shall also make a detailed statement of the amounts of money received and disbursed under the act of Congress of March 16, 1906, which reports shall be filed with the State Board of Examiners on or before the 10th day of September of each year, and shall also make such reports to the officers or departments of the United States as are now or may hereafter be required by the laws of the United States.

Treasurers annual report to U. S. secretary of agriculture and secretary of interior.

Duplicates to be filed where.

Other report of treasurer.

110. **State Board of Examiners.**—The State Board of Examiners of the State of Montana shall have supervision and control of all expenditures of all moneys, appropriated or received for the use of said institutions from any and all sources, other than that received under and by virtue of the acts of Congress, hereinbefore referred to, and said State Board of Examiners shall let all contracts, approve all bonds for any and all buildings or improvements, and shall audit all claims to be paid from any moneys, other than that received under and by virtue of the acts of Congress herein referred to, but said State Board of Examiners shall have authority to confer upon the executive boards of such institutions such power and authority in contracting current expenses and in auditing, paying and reporting bills for salaries or other expenses incurred in connection with said institution as may be deemed by said State Board of Examiners to be to the best interest of said institution.

State board of examiners to have supervision and control of expenditures.

Other powers and duties.

111. **Donations, Grants, Gifts.**—All donations, grants,

HeinOnline -- 1913 206 1913

gifts or devises made to any of the institutions named herein shall be made to such institution in its legal name, and if made to any officer or boards of such institution the same shall be immediately transferred by such board or officer to such institution.

Donations, grants and gifts to educational institutions to be made in what names.

CHAPTER II.

Superintendent of Public Instruction.

200. **Election, Qualification, Oath and Bond.**

There shall be chosen by the qualified electors of the state, at the time and place of voting for members of the legislature, a superintendent of public instruction, who shall have attained the age of thirty years at the time of his election, and shall have resided within the state two years next precding his election, and is the holder of a state certificate of the highest grade, issued in some state, and recognized by the State Board of Education, or is a graduate of some university, college or normal school recognized by the State Board of Education as of equal rank with the University of Montana or the State Normal School. He shall hold his office at the seat of government, for the term of four years from the first Monday in January following his election, and until his successor is elected and qualified. Before entering upon his duties he shall take the oath of a civil officer and give bond in the penal sum of ten thousand dollars, with not less than two sureties, to be approved by the governor and attorney general.

Superintendent of public instruction to be elected when.

Qualifications.

Location of office and term.

Oath of office and bond.

201. **General Powers.**

1. He shall have the general supervision of the public schools of the state.

Powers.

2. **Official Staff.**—The superintendent of public instruction shall have power to appoint one deputy, who shall receive an annual salary of twenty-one hundred dollars, one rural school inspector at a salary of twenty-one hundred dollars and two clerks at an annual salary of twelve hundred dollars each. Such deputy, rural inspector and clerks shall perform such duties pertaining to the office as the superintendent may direct.

Deputy and his salary.

Rural school inspector and his salary.

Clerks and their salaries.

202. **Duties.**

1. Official, Files and Records.—The superintendent shall preserve in his office all books, maps, charts, works on education, school registers, school reports and school laws of other states and cities, plans for school

Records, books, maps, charts, reports, etc., to be kept and filed where.

HeinOnline -- 1913 207 1913

buildings and other articles of educational interest and value which may come into his possession as such officer and at the expiration of his term shall deliver them, together with the reports, statements, records and archives of his office to his successor.

Shall cause to be printed and furnished to proper officers and persons what.

2. Blanks and Laws.—He shall cause to be printed, and furnished to the proper officers or persons all school registers, reports, statments, notices and blanks for returns needed or required to be used in the schools or by the school officers, in the state. He shall furnish through the county superintendent to each trustee, and clerk of each district and to each superintendent or principal of each district a copy of the school laws.

To furnish copies of school laws to whom.

Official records.

3. Official Records.—He shall keep a record of his official acts, and shall file in his office all appeals and papers pertaining to them.

Official seal.

4. Official Seal.—He shall provide and keep a seal, which shall be the official seal of the state superintendent of public instruction, and by which all of his official acts may be authenticated.

Shall print and furnish all school laws at least once every 4 years to whom.

5. Printing of School Laws.—He shall at least once in four years cause to be printed the school laws of the state, with such notes and decisions thereon as may seem to him advisable, and shall furnish them as they are needed to the school officers in the state.

Biennial report.

6. Report.—He shall on or before the first day of December preceding the biennial session of the legislature assembly, make and transmit to the governor a report showing:

Contents of report.

(a) The number of school districts, schools, teachers employed and pupils taught therein, and the attendance of pupils and studies pursued by them.

(b) The financial condition of the schools, their receipts and expenditures, value of school houses and property, cost of tuition and wages of teachers.

(c) The condition, educational and financial, of the Normal and higher institutions connected with the school system of the state, and, as far as it can be ascertained, of the private schools, academies and colleges of the state.

(d) Such general matters, information and recommendations relating to the educational interest of the state as he may deem important.

7. Publication of Report.—Fifteen hundred copies of the report of the superintendent of public instruction

HeinOnline -- 1913 208 1913

shall be printed biennially, in the month of December preceding the session of the legislative assembly. Two copies shall be furnished to each of the members of the legislative assembly, one copy to each county superintendent of the state, one copy to the clerk of each school board, two to each state officer, one to each state and territorial superintendent; fifty copies shall be filed in the office of the superintendent of public instruction and ten in the state historical library. The balance shall be distributed among the various colleges, universities and other libraries of the United States.

Number of copies of superintendents report which shall be printed.

Copies to be furnished to whom.

8. Course of Study.—He shall prepare or cause to be prepared with the co-operation and approval of such educators as may be named by the State Board of Education a course of study for all the public elementary and high schools of the state, and shall prescribe to what extent the same is to be used.

Course of study to be prepared by whom.

9. Institute and Summer Schools. Rules.—He shall prescribe with the approval of the State Board of Education rules and regulations for the holding of teachers' institutes, and summer schools for teachers; shall prepare with the approval of the State Board of Education lists of instructors for institutes and summer schools from which county superintendents shall make their appointments. He shall attend and assist at teachers' institutes and summer schools for teachers and aid, and encourage generally teachers in qualifying themselves for the successful discharge of their duties.

Shall prepare rules and regulations for holding teachers institutes and summer schools.

List of instructors for institutes.

Attend institutes and summer schools for teachers.

10. County Superintendents.—He shall counsel with and advise county superintendents upon all matters involving the welfare of the schools; he shall, when requested, give them written answers to all questions concerning the school law. He shall decide all appeals from the decision of the county superintendent, and may for such decision require affidavits, verified statements or sworn testimony as to the facts in issue. He shall prescribe and cause to be enforced, rules of practice and regulations pertaining to the hearing and determining of appeals, and necessary for carrying into effect the school laws of the state.

To counsel and advise with county superintendents upon what subjects.

Decide appeals.

May require evidence.

11. Examinations.—He shall with the approval of the State Board of Education, prepare all questions to be used in the examination of applicants for teachers' county certificates, and prescribe the rules and regulations for conducting all such examinations.

Examination questions used in application for teachers county certificates.

HeinOnline -- 1913 209 1913

School fund to be annually apportioned by superintendent of public instruction in what manner.

12. Apportionment of School Fund.—He shall between the first and tenth day of February of each year, apportion the state school fund among the several counties of the state, in proportion to the number of children of school age in each as shown by the last enumeration authorized by law. It shall be the duty of the state board of land commissioners to notify the state auditor on or before the tenth day of January of each year the amount of the state school fund subject to apportionment; and the said auditor immediately upon receipt of such notification shall issue his warrant on the state treasurer for the said amount. Thereupon the state treasurer shall certify said apportionment to the several county treasurers not later than the first Monday in March; Provided, that the several county treasurers have fully complied with Section 183 of "An Act concerning revenue," approved March 6, 1891, in which case the county treasurers, upon receiving notice from the state treasurer of the amounts due their counties from the state school fund, may deduct said amount from the amount found due the state by their counties and remit the balance to the state treasurer. The superintendent of public instruction shall certify to the county superintendent of schools of each county, the amount apportioned to that county.

Duty of state board of land commissioners to notify auditor of what.

Auditor to issue his warrant.

Duty of state treasurer.

Proviso.

Duty of superintendent of public instruction therein.

Shall furnish school officers list of publications suitable for school libraries and lowest price list of same.

13. Libraries.—He shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for school libraries, such lists shall contain also the lowest price at which such publications can be purchased and the terms. He shall also prescribe rules and instructions for the proper care and use of school libraries and such other information relative thereto as he shall think needful.

Rules and instructions for care of libraries.

Temporary state certificates may be granted to whom.

14. Temporary State Certificates.—The state superintendent may grant a temporary state certificate, at any time, to any teacher whose experience, qualifications and credentials, in his opinion, entitle such a teacher to either a state or life diploma in Montana. Such temporary state certificate, however, shall be good and valid in any county in the state for a period of one year; Provided, however, that the holder of such certificate shall have it duly registered in the office of the county superintendent of schools of the county

Good for how long.

Proviso.

HeinOnline -- 1913 210 1913

in which he is employed to teach before he begins teaching, and provided, also, that such teacher shall pay for such registration, the sum of one ($1.00) dollar into the institute fund of such county. Fee for registration.

15. Other Duties.—He shall also, as far as he shall find it practicable, address public assemblies on subjects pertaining to public schools, and shall labor faithfully in all practicable ways for the welfare of the public schools of the state and shall perform such other duties as shall be required of him by law. Addresses upon school subjects.

203. **Salary.**

The annual salary of the superintendent of public instruction for all services now required of him or which may hereafter devolve upon him by law, is three thousand dollars. He shall also be paid his traveling expenses actually and necessarily incurred in the discharge of his duties, not to exceed two thousand dollars in any one year. Salary. Traveling expenses.

204. **Expenses.**

All necessary expenditures of money incurred by the superintendent of public instruction for postage, stationery, printing and expressage not exceeding five hundred dollars in any one year shall be paid by the state. Limit of amount of other expenses.

CHAPTER III.

County Superintendent of Schools.

300. **General Provisions.**

1. Qualifications.—All persons otherwise qualified shall be eligible to the office of county superintendent of common schools without regard to sex. County superintendents; qualifications.

2. Election of County Superintendent.—A county superintendent of schools shall be elected in each organized county in this state at the general election preceding the expiration of the term of office of the present incumbent, and every two years thereafter. Election of.

3. Term. He shall take office on the first Monday in January next succeeding his election, and hold for two years and until his successor is elected and qualified. Term of office.

4. Oath. Bond.—The person so elected shall take the oath or affirmation of office, and shall give an official bond to the county in a sum to be fixed by the board of county commissioners of said county. Official oath and bond.

5. Vacancy.—The county commissioners of any county, shall by appointment, fill any vacancy that County commissioners shall fill vacancies in the office.

HeinOnline -- 1913 211 1913

may occur in the office of county superintendent until the next general election.

Shall have general supervision of public schools.

301. **General Powers.**

The county superintendent shall have the general supervision of the public schools in his county.

302. **Duties.**

Duty to carry out instructions and distribute blanks furnished by state superintendent.

1. As to State Superintendent.—He shall carry into effect all instruction of the state superintendent given within his authority. He shall distribute to the proper officers and to teachers all blanks furnished by the state superintendent and needed by such officers and teachers.

Shall visit schools when.

Duties upon such visitations.

2. Visiting Schools.—He shall visit every public school under his supervision at least once each official year, and oftener if he shall deem it necessary to increase its usefulness. He shall at such visits carefully observe the conditions of the school, the mental and moral instruction given, methods employed by the teacher in teaching, training and drill, the teacher's ability, and progress of the pupils. He shall advise and direct the teacher in regard to the instruction, classification, government and discipline of the school and the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teacher's ability to teach and govern and the condition and progress of the school, which shall be open to inspection to any school trustee. During his visits to the schools of his county the county superintendent shall consult with the trustees and clerks of all school districts upon all matters relating to the good and welfare of their schools, and shall instruct them, whenever necessary, in their duties relating to the reports to be made out by them and forwarded to him annually as the law requires.

Record of visits.

Consultation with trustees and clerk of districts.

School trustees' meetings.

3. Trustees' Meetings.—He shall from time to time in convenient places hold trustees' meetings at which matters relating to the good of the schools shall be discussed.

Power to issue temporary certificates to whom.

4. Issue Temporary Certificates.—He shall have power to issue, if he deem it proper to do so, temporary certificates, valid until the next regular examination, to persons holding certificates of like grade granted in other counties, or upon any certificate or diplomas possessed by the applicant showing his fitness for the profession of teaching; Provided, that no person

Proviso.

HeinOnline -- 1913 212 1913

shall be entitled to receive such temporary certificate more than once in the same county.

Shall serve on county board of educational examinners.

5. County Board of Educational Examiners.—He shall serve on the County Board of Educational Examiners.

To preside at teachers county institute and elect instructors thereat.

6. Preside at Institutes.—He shall preside over all teachers' institutes held in his county, and shall elect suitable persons to instruct therein from the list of teachers commissioned by the state board of education, and recommended by the state superintendent.

Duty as to school libraries.

7. School Libraries.—He shall exercise supervision over the school libraries of the county and aid in the selection of books for the same.

To be truant officer when.

8. Truant Officer.—He shall act as truant officer in districts of the third class when no other provision is made.

Shall apportion the school money when and how.

9. Apportionment School Moneys. Warrants.—The county superintendent shall apportion all school moneys to the school districts in accordance with the provisions of this title quarterly, and he may make apportionments at such other times as may be required or deemed necessary for the convenience of school officers. He shall certify to the several district clerks and county treasurers the amount so apportioned to the several districts, and the trustees shall draw their warrants on the county treasurer in favor of persons entitled to receive the same. Such warrant shall show for what purpose the money is required, and no such warrant shall be drawn unless there is money in the treasury to the credit of such district; Provided, that school trustees shall have the authority to issue warrants in anticipation of school moneys which have been levied but not collected, for the payment of current expenses of schools, but such warrants shall not be drawn in any amount in excess of the sum already levied.

Duty of trustees in disbursing money.

When trustees may issue warrants before money is collected.

Warrants issued to teachers withheld when.

10. Notify County Treasurer.—He shall notify the county treasurer to withhold payment of warrants issued to teachers not holding valid certificates.

11. Controversies.

To decide controversies and appeals.

(a) He shall decide all matters in controversy arising in his county in the administration of the school law or appealed to him from the decision of school officers or boards. An Appeal may be taken from his decision, in which case a full written statement of the

Appeals to state superintendent of public instructions.

HeinOnline -- 1913 213 1913

facts, together with the testimony and his decision in the case, shall be certified to the state superintendent for his decision in the matter, which decision shall be final, subject to adjudication or the proper legal remedies in the state courts.

Power to administer oaths in what matter.

(b) The county superintendent shall have power to administer the oath of office to all subordinate school officers, and in case of appeal to him from the decision of school officers or board, or revocation of the certificate of a teacher or in any other controversy or question brought to or coming before him in the administration of school laws for opinion, order or decision, he shall have the power to administer oaths to witnesses; but he shall not receive pay for administering such oaths.

To examine into markings of and keep in his office correct transcripts of boundaries of school districts.

12. Boundaries of School Districts.—The county superintendent shall inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly described in the records of the board of county commissioners, and keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting, or are incorrectly described, he shall change, harmonize and describe them, and make a report of such action to the commissioners; and on being ratified by the commissioners, the boundaries and descriptions so made shall be the legal boundaries and descriptions of the districts of that county. The county superintendent shall furnish the several district clerks with descriptions of the boundaries of their respective districts.

When he may change, harmonize and describe school district boundaries.

When such shall become legal boundaries.

13. Creation of New Districts.—He shall hear and pass upon all petitions for the creation of new school districts.

Duty regarding new creation of new districts.

14. Attach Contiguous Territory.—He shall attach to contiguous districts territory not a part of any district.

Enlarging district.

15. Census to be Transmitted to Bureau of Agriculture, Labor, and Industry.—It shall be the duty of the county superintendent of schools to prepare and transmit within thirty days after he receives the school census from the district clerk, a copy of the census showing the name, sex, age and date of birth of each child under twenty-one years of age residing in the county, together with the names of the parents or guardians of such children to the commissioner of

Duty to transmit copy of school census to whom and when.

HeinOnline -- 1913 214 1913

the bureau of agriculture, labor and industry. No county superintendent shall be paid his salary for the last month in his official year until he presents to the county commissioners the receipt of the commissioner of the bureau of agriculture, labor and industry for such annual census report.

Salary of last month of official year to be withheld until when.

16. Records.—He shall keep a record of his official acts. He shall preserve all books, maps, charts and apparatus sent him as a school officer, or belonging to his office. He shall file all reports and statements from teachers and school boards and shall turn them over to his successor in office.

Records of his official acts to be kept.

Property which shall belong to the office.

Filing of statements and reports of teachers.

17. Annual Reports.—He shall, on or before the first day of November of each year, make and transmit an annual report to the superintendent of public instruction, containing such statistics, items and statements relative to the schools of the county, as may be required and prescribed by the state superintendent. Such reports shall be made upon and conform to the blanks furnished by the state superintendent of public instruction for that purpose. He shall not be paid his salary for the last month in his official year until he presents to the county commissioners the receipt of the superintendent of public instruction for such annual report.

Annual report to the state superintendent of public instruction.

Contents of report.

To be made upon what blanks.

Withholding of his salary.

18. Office Days.—He shall keep his office open five days in every month and give due notice of the same.

When office shall be kept open.

19. Clerk.—The county superintendent of counties having fifty or more rural teachers, is authorized to appoint one clerk, and the county superintendent of counties having fewer than fifty rural teachers may, with the permission of the county commissioners, appoint a clerk, at a salary to be fixed by the board of county commissioners.

May appoint clerk in what counties.

Salary of clerk.

303. **Expenses.**

The county commissioners shall furnish the county superintendent with a suitable office. They shall also furnish him with all necessary stationery and postage, and they may in their discretion upon his request also furnish him, for the use of the public schools in his county, useful charts, maps, and models; Provided, that not more than $200 a year may be expended for stationery, postage, maps, charts and models.

Office and supplies to be furnished by county commissioners.

Limit to certain expenses.

HeinOnline -- 1913 215 1913

CHAPTER IV.

School Districts.

"School District" defined.

400. **School District Defined.**—The term "school district," as used in this title, is declared to mean the territory under the jurisdiction of a single board, designated as "board of trustees," and shall be organized in the form and manner as hereinbefore provided and shall be known as District No. .... of ..... County; Provided, that all school districts now existing, as shown by the records of the county superintendents, are hereby recognized as legally organized districts.

Classification.

401. **Classes. Number of Trustees.**—All districts having a population of eight thousand or more, are, and hereafter shall be, districts of the first class. All districts having a population of one thousand, or more, and less than eight thousand, are, and hereafter shall be, districts of the second class, and all districts having a population of less than one thousand are, and hereafter shall be, districts of the third class. In districts of the first class the number of trustees shall be seven; in districts of the second class the number of trustees shall be five, and in districts of the third class the number of trustees shall be three.

Districts of the first class.

Of the second class.

Third class.

Number of trustees in respective classes.

Body corporate.

402. **Powers as Body Corporate.**—Every school district constituted and formed as provided in this title shall be, and is hereby, declared to be a body corporate and under its own proper name or number as such corporate body may sue and be sued, contract and be contracted with and may acquire, purchase and hold and use personal or real property for school purposes mentioned in this title, and sell and dispose of the same.

Powers and liabilities.

403. **When School District May Be Created.**—No school district shall be created between the first day of March and the first day of September following each year.

How new districts may be created.

404. **Organization of New Districts.**

1. Steps.—For the purpose of organizing a new district, a petition in writing shall be made to the county superintendent, signed by the parents or guardians of at least ten census children, between the ages of six and twenty-one years, residing within the boundaries of the proposed new districts and residing at a greater distance than two miles from any school house, which

Petition signed by whom.

HeinOnline -- 1913 216 1913

petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing within the boundaries of the proposed new district, at the date of presenting said petition. The county superintendent shall give notice to parties interested by posting, or causing to be posted, notices at least ten days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school house door of each district affected by the proposed change, or if there be no school house, then in one of the most public places in said old district, and shall on the day fixed in the notice proceed to hear said petition, at the place designated in such notice, which must be either at the court house of the county or else at a school house in one of the school districts affected, unless a protest in writing signed by at least a majority of the tax paying freeholders residing within such proposed school district shall be filed with the county superintendent of schools before or at the time fixed in the notice of the hearing of said petition, and in that event such new and proposed school district shall not be created. If no such protest be filed then the county superintendent, if he deem it advisable, shall make an order establishing said district and describing the boundaries thereof, and from an order made by the county superintendent of schools an appeal may be taken by three resident taxpayers of said new district, or by three resident taxpayers, of the remaining portion of the old district, to the board of county commissioners within thirty days, and a hearing had thereon, and decision rendered by said board, which shall be final: Provided, that should the county superintendent refuse to make an order establishing said new district, an appeal may be taken by three resident taxpayers of said new district, to the board of county commissioners, a hearing had and a decision rendered by said board which shall be final: Provided, that no new school district shall be established which does not contain property of an assessed valuation of at least Ten Thousand Dollars ($10,000.00) as shown by the last official assessment roll of the county in which said proposed school district is located: Provided, further that there shall be at least ten census children left in the remaining por-

Contents of petition.

Notice of time of considering petition.

Time and place of hearing petition.

When protest is filed.

Order to be made establishing district when.

Appeal may be taken by whom and when.

Hearing of appeal by county commissioners.

Appeal from refusal of county superintendent to establish district.

Property values required to create new district.

Number of children and property valuation which must remain in old district.

HeinOnline -- 1913 217 1913

How appeals must be taken.

tion of the original district and a property valuation, as shown by the last official assessment roll of the county, of Fifteen Thousand Dollars ($15,000) at least. The appeals in this section mentioned shall be in writing, subscribed by the parties taking the appeal and shall recite sufficient facts to show their rights to appeal hereunder, that it is an appeal from the decision rendered, and such appeal shall be filed with the county superintendent within the time allowed for appeal.

Trustees when new district is organized.

Those to be appointed by county superintendent.

2. Selection of Trustees.—When a new district is organized, such trustees of the old district as reside within the limits of the new one shall be trustees in the new district, and the county superintendent must appoint the remaining trustees for the new and the old district, who shall hold office until the next annual election.

When new district entitled to apportionment of money.

3. Apportionment of Moneys to New District.—No new district, formed by the subdivision of an old one, shall be entitled to any share of public money belonging to the old district until the school has actually been taught one month in the new district, and unless within eight months from the order of the county superintendent granting such new district, a school is opened, the action making a new district shall be void and all elections or appointments of trustees or clerks made in consequence of such action, and all rights and office of parties so elected or appointed shall cease and determine.

If school not opened within 8 months district void.

Funds of old district to be divided with new, when.

4. Division of District Funds and Property.—When a new district is formed from one or more old ones, the school funds remaining to the credit of the old district, after providing for all outstanding debts, except debts incurred for building and furnishing school houses, shall be divided as follows: The basis for the division of the school fund shall be the school population, as shown by the last school census before the division of the district or districts occurred, and shall apply to such funds as remain to the credit of said old district or districts at the time of the organization of said new district, and said district shall receive funds in proportion to its per cent of the said census. In case of division, each district shall own and hold all permanent property such as sites, school houses and furniture situated within its boundaries. All division of funds under this provision shall be made by the

Basis of division.

Property, how owned when district is divided.

Who shall divide funds.

HeinOnline -- 1913 218 1913

county superintendent, and when there are unpaid special taxes on the county tax book belonging to a district at the date of its division, the county treasurer, upon being notified of such division by the county superintendent, shall retain all moneys received in payment of such special tax until the same shall be apportioned by the county superintendent, whose duty shall be to apportion said money quarterly between the fractions of the divided district according to the location of the property on which said tax was levied. At the first apportionment after the organization of a new district, the county superintendent shall apportion to such district its per capita proportion of the general fund, but no money, either from the general or special fund, shall be paid out of the county treasury on account of such district, until a school shall have been taught therein one month: Provided, that any new district formed by the division of an old one shall be entitled to its apportionment, where the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least four months.

Duty of county treasurer.

Apportionment of funds after the first.

Proviso.

405. **Method of Procedure. Division of School District Having More Than One School House.**

When there is more than one school house in district to be divided; proceedure.

1. Whenever any school district has more than one school house, and the school electors residing in any particular portion of said district, in which portion there is a school house, desire a division of said district, they shall present a petition in writing to the board of trustees of said school district, signed by a majority of the school electors of that portion of said school district out of which they desire to create a new school district which petition shall describe the boundaries of the proposed new school district. The board of trustees of said district at any regular meeting or at any special meeting called for that purpose, may approve or deny the said petition in their discretion and shall enter their approval or denial upon the minutes of said meeting and transmit the original petition together with a certified copy of the minutes of said meeting to the county superintendent of schools. If the board of trustees of said school district shall approve of the division of said school district, and no appeal is taken from their decision as herein provided, the county superintendent of schools may there-

Petition and contents.

Duty of trustees therein.

HeinOnline -- 1913 219 1913

Who may appeal.

upon make an order establishing such new district and defining its boundaries. Any three resident taxpayers of either the old or new district may within thirty days appeal from the decision of the said board of school trustees to the county superintendent of schools and may, within thirty days appeal from any decision or order made by the county superintendent of schools to the county commissioners whose decision shall be final.

Selection and appointment of trustees.

2. Selection of School Trustees.—Trustees shall be selected as provided in Section 404, sub-division 2 of this Act.

Duty of board of county commissioners to apportion debts between new and old districts.

3. Distribution of Indebtedness.—If, at the time such new district is created, there is any indebtedness against such old school district, then the board of county commissioners of the county in which such districts are located shall, at its first regular meeting after the order creating said new district is made, apportion such indebtedness between said districts, by first deducting from said indebtedness the amount of

Procedure.

all moneys in the treasury belonging to the sinking fund of said old district, and then apportioning the remainder of the indebtedness between the respective districts in proportion to the value of the school property remaining in the old district to the value of the school property in the new district.

Settlement by trustees of new district with old by issuing warrants.

4. Trustees Issue Interest Bearing Warrants.—That upon the adjustment of such indebtedness, it shall be the duty of the board of trustees of such new district to cause to be made out, issued and delivered to the trustees of such old district, warrants equal to the amount of such indebtedness apportioned to such new

Indorsement by county treasurer thereon.

district, which warrants, upon presentation, shall be endorsed by the treasurer of the county, "not paid for want of funds," and shall thereafter draw interest at

Interest.

the rate of six per cent per annum.

Taxes to be levied to pay interest on warrants.

5. County Commissioners Levy Tax for Interest Bearing Warrants.—Until said warrants are paid, it shall be the duty of the board of county commissioners of said county to annually levy a tax upon the taxable property of such new school district sufficient to pay the interest on said warrants, and the money realized

Money to be kept in what fund.

from the levy of such taxes shall be, by the county treasurer, kept in a special fund to be used solely for the purpose of paying the interest and principal of said

HeinOnline -- 1913 220 1913

warrants.

Power of trustees to issue coupon bonds and sell same.

6. Trustees May Issue Bonds.—The school trustees of such new school district shall have, and are hereby given the power and authority to issue on the credit of their district cupon bonds and sell and dispose of the same for the purpose of providing the necessary funds to pay such warrants. Such bonds shall be issued and disposed of upon the conditions and in the manner provided in Section 2030 of this Act, except that said bonds shall recite in the body of each bond that, "this bond is issued for the purpose of providing funds to pay outsanding warrants."

Conditions and manner of issuing and sale.

New districts shall not embrace what territory.

7. Incorporated Towns and Cities Not Included in New District.—That no territory within the corporate limits of any incorporated city or town shall be included in any new school district formed or created under the provisions of this Act.

406. **District Boundaries.**

District boundaries may be changed in what manner only.

The boundaries of any district cannot be changed, except in forming new districts, unless a majority of the resident freeholders residing in the territory which it is proposed to transfer or include, present a petition in writing, to the county superintendent, which petition shall describe the change which it is proposed to have made. It shall also state the reason for desiring said change and the number of children of school age residing in the territory to be transferred or included. The county superintendent shall file said petition in his office, and shall give notice to parties interested by posting notices at least ten days prior to the time appointed for considering said petition, one of which shall be in a public place in the territory which it is proposed shall be annexed or transferred, and one on the door of the school house in each district affected by the change, or if there be no school house in such district, then in some public place in such district or districts, and at the time stated in said notice he shall proceed to hear said petition and if he deem it advisable he shall grant the same and make an order fixing the boundaries, which order shall be final, unless an appeal be taken to the board of county commissioners within thirty days, and upon a hearing thereof the decision of said board shall be final. All of the papers, documents and records in the case shall be certified to the county commissioners for their determination of

Petition and requirements thereof.

Duty of county superintendent therein.

Notice and posting thereof.

Hearing.

Order and its effect.

Appeal and procedure.

HeinOnline -- 1913 221 1913

Proviso.

the matter on appeal: Provided, that lands lying contiguous to a district and not attached to any district, shall be attached to an adjacent district by the county superintendent of his own motion.

407. **Consolidated Districts.**

How districts may be consolidated.

1. Two Methods.—That two or more school districts may be consolidated either by the formation of a new district, or by the annexation of one or more districts to an existing district, as hereinafter provided.

Procedure to consolidate.

2. Order of Procedure. A Petition.—Whenever the county superintendent of schools receives a petition signed and acknowledged by a majority of the resident freeholders of each district affected, qualified to vote at school elections, praying for consolidation, he

Posting of notice of election.

shall within ten days cause a ten days' posted notice to be given by the clerk in each district, such notice to be posted in three public places, in each district, of an election in such district at a time and place specified in each notice, to vote on the question of consolidation.

Ballots at such election.

The votes at such election shall be by ballot which shall read "For Consolidation" or "Against Consolida-

Duty of election officer.

tion." The presiding officer at such election shall within ten days thereafter certify the result of the vote to the county superintendent of the county in which the district mainly lies.

Duty of superintendent when consolidation carries.

If the majority of the votes cast in each district be for consolidation, it carries, and the superintendent, within ten days thereafter shall make proper orders to give effect to such vote and shall thereafter transmit a copy thereof to the county clerk and recorder of each county in which any part of any district lies, and the clerk of each district affected. If the order be for the formation of a new district, it shall specify the name and number of such district, and he shall appoint three trustees to serve until the first Saturday in April succeeding.

Election of trustees and their terms of office.

At the regular election succeeding there shall be elected by the regularily qualified electors three trustees, one of whom shali serve for one year, one for two years, and one for three years. The election of trustees and terms shall be the same as for other districts under the general school laws.

3. Disposition of Funds. Property, Records—in case of annexation of any district or districts to any

HeinOnline -- 1913 222 1913

existing district, as herein provided, the proper officers of the annexed districts, within ten days from the receipt of a copy of such order, shall turn over to the proper officers of the district to which they are annexed, all records, funds, and effects of such annexed district. In case of the formation of a new district, the proper officers of the discontinued districts in like manner within ten days after the organization of the new district, shall turn over the records, funds, and effects of such old districts to the proper officers of the new districts.

Funds and property to be turned over in case of annexation.

In case of new district created.

In case of consolidation of districts by annexation the title to school houses and sites of the seperate districts, shall vest in the new consolidated district and the officers of the old district shall continue to exercise their duties until the officers of the new consolidated district have been elected and have qualified.

Title to property in case of consolidation by annexation.

Duty of officers.

4. How Governed.—Consolidated School districts shall be governed by the general school laws of the state.

Government of consolidated districts.

5. Bonded Debts.—Bonded indebtedness of any districts merged by consolidation shall be assumed by the consolidated district.

Bonds to be assumed by consolidated district.

408. **Joint Districts.**

1. Formation.—That joint districts (districts lying partly in one county and partly in another) may be formed in the same manner as other new districts are formed, except that the petition herein provided for must be made to the county superintendent of each county affected; but in the case of joint districts, all of the provisions herein enumerated for the formation of a new district must be by concurrent action of the superintendent of each county affected.

Joint districts lying in more than one county, how formed.

2. Control.—Whenever a district lies partly in one county and partly in another, the county superintendent must apportion to such district such proportion of the school money to which such district is entitled as the number of school census children residing in that portion of the district situated in his county bears to the whole number of school census children in the whole district. The trustees and teachers of joint districts must make to the superintendent of each county in which the district is located the reports which other trustees and teachers are required to make, and also the number of pupils attending the school from each

Apportionment of funds when district lies in more than one county.

Reports of trustees and teachers in joint districts.

HeinOnline -- 1913 223 1913

Certificates of teachers therein.

county; and all other acts which from their nature should be separately kept and done, as if each portion of said joint district belonging to each county were an entire district in the respective counties. The teachers of such joint district shall have certificates from the superintendent of the county in which the school house is located.

CHAPTER V.

School Trustees.

Qualification of trustees.

500. **Qualifications Of.—**

Any person, male or female, who is a qualified voter at any election under this Act, shall be eligible to the office of school trustee in such district.

Number of trustees in different class districts.

501. **Number Of.—**

In districts of the first class, the number of trustees shall be seven, in districts of the second class the number of trustees shall be five, and in districts of the third class the number of trustees shall be three.

Annual election of trustees shall be held when and where.

502. **Election.—**

1. An annual election of school trustees shall be held in each school district in the state on the first Saturday in April, in each year, at the district school house, if there be one, and if there be none, at a place designated by the board of trustees.

2. Districts of the Second and Third class:

Nominations in districts of second and third class.

(a) Nomination of.—In districts of the second and third class, the names of all candidates for membership on the school board must be received and filed by the clerk and posted at each polling place at least five days next preceding the election. Any five qualified electors of the district may file with the clerk the nominations of as many persons as are to be elected to the school board at the ensuing eection.

Who may nominate and how.

In districts of second and third class trustees to supervise elections.

Clerk shall post notice.

Contents of notice.

Judges, appointed by whom.

(b) Conduct of Election.—In districts of the second and third classes, the election of school trustees shall be held and conducted under the supervision of the board of school trustees. The clerk of the school district must not less than fifteen days before the election required under this Act, post notices in three public places in said district, and in incorporated cities in each ward, which notices must specify the time and place of election, and the hours during which the polls will be open. The trustees must appoint by an order entered in their records three qualified electors of said district, to act as judges at such election, and the

HeinOnline -- 1913 224 1913

clerk of the district shall notify them by mail of their appointment. If the judges named are not present at the time for opening the polls, the electors present may appoint judges, and the judges so appointed shall designate one of their number to act as clerk. The voting must be by ballot, without reference to the general election laws in regard to nominations, form of ballot, or manner of voting, and the polls shall be open for such length of time as the board of trustees may order; Provided, that such polls must be open from two P. M. to six P. M.

Appointment when not present at opening of polls.

Clerk of election.

Ballots and voting.

Polls open for what time.

3. Districts of the First Class.

(a) Nomination Of.—In districts of the first class no person shall be voted for or elected as trustee unless he has been nominated therefor by a bona fide public meeting, held in the district at least ten days before the day of election, and at which at least twenty qualified electors were present, and a chairman and secretary were elected, and a certificate of such nomination setting forth the place where the meeting was held, giving the names of the candidates in full, and if there are different terms to be filled, the term for which such candidate was nominated, duly certified by the chairman and secretary of such meeting, shall be filed with the district clerk at least eight days before the day of the election. The nomination and election of any person shall be void, unless he was nominated at a meeting as above provided at which at least twenty qualified electors were present, and his nomination certified and filed as aforesaid, and the board of trustees acting as a canvassing board shall not count any votes cast for any person, unless he has been so nominated and a certificate thereof filed as herein required.

Nominations in districts of first class.

How made.

Electors required at nominating meeting.

Certificate of nomination; contents.

Must be filed where and when.

Nomination and election void when.

(b) Conduct Of.

1. Board of Trustees to call election.—The board of trustees shall at least thirty days before the annual election of school trustees, by an order entered upon the minutes of their meeting, designate and establish a suitable number of polling places and create an equal number of election precincts to correspond, and define the boundaries thereof.

Board of trustees shall call election when and how.

Polling places and precincts.

2. Notice of.—The district clerk shall at least fifteen days before the election in districts of the first class, give notice of the election to be held in all such districts, by posting a notice thereof in three public

In districts of first class duty of clerk to give notices of elections.

HeinOnline -- 1913 225 1913

Posting notices.

places in the district, and in incorporated cities and towns in each ward, which notices must specify the time and place of election, the number of trustees, and the terms for which they are to be elected, and the hours during which the polls will be open. Whenever in the judgment of the board of trustees the best interest of the district will be served by the publication of such notices of election in some newspaper in the county, they may, by an order entered on the minutes of their meeting, direct the district clerk to publish the notice of election required to be given in districts of the first class, in some newspaper in the county.

When notice to be published.

Polls to be open in districts of first class during what hours.

3. Hours of Election.—In districts of the first class the polls must be opened at eight o'clock A. M., and kept open until twelve o'clock M., and from one o'clock P. M., until eight o'clock P. M.

Judges in districts of first class to be appointed by whom, and member.

4. Judges Of.—The board of district trustees shall, at least ten days before the day of the annual election of trustees in any district of the first class, appoint three qualified electors of the district for each polling place established to act as judges of election, and the district clerk shall notify such persons by mail of their appointment. Such judges shall designate one of their number to act as clerk of such election. If the judges appointed, or any of them, are not present at the time for the opening of the polls, the electors present may appoint judges, who must be qualified electors, to act in the place of those who are absent.

Clerk to notify judges.

Any judge to be clerk of election.

When judges chosen by electors present.

Ballots to show what.

5. Ballots and Method of Voting.—In districts of the first class, the ballot shall show the name or names of the candidates and the length of time for which they are to be elected. These ballots shall be as near as possible in the following form:

Form of ballots.

For School Trustees:
For three (3) year term.
Vote for Three:
John Abner
William Brown
Adam Smith
For one (1) year term.
George Davis

4. Poll and Tally List, Certificate of Judges, and Canvass of Votes.

Poll list must be kept.

At every election held under this Act, a poll list shall be kept by the judges and clerk at each polling

HeinOnline -- 1913 226 1913

place, and immediately after the close of the polls the judges shall count the ballots, and if there be more ballots than votes cast the judges must draw by lot from the ballots without seeing them, sufficient number of ballots to make the ballots remaining correspond with the number of the votes cast. The clerk shall write down in alphabetical order in a poll book provided for that purpose the name of every person voting at the time he deposits his ballot. There shall also be provided a tally list for each polling place; after the ballots have been counted and made to agree with the poll list the judges shall proceed to count them. The Clerk shall enter in the tally list the name of every person voted for as trustee, and the term, and tally opposite his name, the number of votes cast for him, and at the end thereof set down in a column provided for that purpose the whole number of votes he received. The judges and clerk shall sign a certificate to said tally list setting forth the whole number of votes cast for each person or trustee, designating the term, and they shall verify the same as being correct to the best of their knowledge before an officer authorized to administer oaths. No informality in such certificate shall vitiate the election, if the number of votes received for each person can reasonably be ascertained from said tally list. Said books and tally lists shall be returned to the board of trustees of the district, who shall canvass the vote and cause the clerk of the district to issue a certificate of election to the person or persons elected, designating their term, a copy of which must be forwarded to the county superintendent of schools. School trustees are hereby authorized to administer oaths to judges of election.

Duty of judges in case of more ballots cast than there are voters.

How voters names shall be entered.

Tally lists shall be provided.

Ballots to be counted when.

Entries to be made in tally list.

Verified certificate to tally list.

Informality not to vitiate election when.

Return of books and tally lists to board of trustees, and convass of votes.

Certificates of election.

Oath of office to judges of election.

5. Term of Office: Vacancy: Oath of Trustee.—Trustees elected shall take office immediately after qualifying and shall hold office for the term of three years except as elsewhere expressly provided, and until their successors are elected and qualified, or appointed by the county superintendent of schools and qualified.

Term of office, when to commence.

A vacancy in the office of school trustee must be filled by appointment by the county superintendent of schools subject to confirmation by a majority of the remaining members of said board, if those remaining constitute a majority of the total number of the board, which trustee so appointed shall hold office until the

Vacancies in the board to be filled by whom.

Term of office of appointed trustees.

HeinOnline -- 1913 227 1913

next annual election, at which election there shall be elected a school trustee for the unexpired term.

Oath of office to be filed within what time.

Every trustee shall file his oath of office with the county superintendent of schools. Any trustee who shall fail to qualify within fifteen days after being elected shall forfeit all rights to office, and the county superintendent of schools shall appoint to fill the vacancy in the office of such school trustee.

Failure to qualify.

6. Vacancy in School Board.—When any vacancy occurs in the office of trustee of any school district by death, resignation, failure to elect at the proper time, removal from the district, or other cause, the fact of such vacancy shall be immediately certified to the county superintendent by the clerk of the school district, and the county superintendent shall immediately appoint in writing some competent person who shall qualify and serve until the next annual school election. The county superintendent shall at the same time notify the clerk of the school district of every such appointment; Provided, that absence from the school district for sixty consecutive days shall constitute a vacancy in the office of trustee.

Vacancies in office of trustee to be certified to county superintendent.

Duty to appoint and fill vacancy.

Notice to clerk of appointment.

When absence from school district shall constitute a vacancy.

7. Trustees—How Removed.—Any school trustee may be removed from office by a court of competent jurisdiction by law for removal of elective civil officers; Provided, however, that upon charges being preferred and good cause shown, the board of county commissioners may suspend a trustee until such time as such charges can be heard in the court having jurisdiction thereof.

Removal of trustees by court.

By board of county commissioner may suspend.

8. Vacancy in Office of Clerk.—Should the office of the clerk of the school district become vacant, the board of school trustees shall immediately fill such vacancy by appointment, and the chairman of the board of school trustees shall immediately notify the county superintendent of such appointment.

Vacancy in office of school clerk filled by whom.

Notice to superintendent.

9. Rearrangement of Terms to Prevent the Election of a Majority of the Trustees.—When at any annual school election the terms of a majority of the trustee regularly expire; in districts of the first class, three trustees, in districts of the second class, two trustees, in districts of the third class, one trustee, shall be elected for three years, and the remaining trustee or trustees whose terms expire shall hold over for one or two years as may be necessary to prevent the terms

Expirations of terms of trustees to be arranged how.

When determined by lot.

HeinOnline -- 1913 228 1913

of a majority of the board of trustees expiring in any one year; Provided, that it shall be determined by lot what trustees shall hold over, and for what term.

10. Qualifications of Electors.—Every citizen of the United States who has resided in the State of Montana for one year, and thirty days in the school district next preceding the election, may vote thereat. Women of the age of twenty-one years and upwards, who are citizens of the United States, and who have resided in the State of Montana one year, and in the school district for thirty days next preceding the day of the election, may vote thereat.

Residence qualification of electors required.

Women can vote.

11. Challenges: Oath of Voters.—Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath or affirmation in substance as follows: "You do solemnly swear or affirm, that you are a citizen of the United States; that you are twenty-one years of age; and that you have resided in the State one year, and in this school district thirty days next preceding this election, and that you have not voted this day, so help you God." If he takes this oath or affirmation, his vote must be received; otherwise rejected. Any person who shall swear falsely before any such judge of election, shall be guilty of perjury and shall be punished accordingly.

Challneges of electors.

Oath to be administered in case of challenge.

Vote must be received when.

Perjury.

12. Expenses of Election.—All the expenses necessarily incurred in the matter of holding elections for school trustees shall be paid out of the school funds of the district. Judges of election of districts of the first and second class shall receive not to exceed three dollars per day each for all services connected with the election.

How expenses of election are to be paid.

Compensation of election judges.

503. **Compensation of Trustees.**

Every school trustee in a district of the first class, provided said district shall have a population not less than twenty thousand, shall give an official bond in the sum of ten thousand dollars for the faithful discharge of his duties, which bond shall be approved by the district judge and filed with the county clerk, and every such trustee shall be entitled to receive out of the school funds of the district the sum of four dollars for each meeting of trustees, which he shall attend in giving the necessary attention to school business, not exceeding however, one meeting each week, and he

Bond of school trustees in districts of the first class.

Compensation of trustees.

HeinOnline -- 1913 229 1913

Limit to number of meetings per week or can be paid for attending.

shall receive no compensation for his attendance at any meeting unless he attends throughout its entire session. The compensation here provided shall be audited and allowed by the board of trustees and entered upon their records.

504. **Organization Of.**

April meeting, organization and election of officers.

The school trustees shall meet annually the third Saturday in April and organize by choosing one of their number chairman, and a competent person, not a member of the board, as clerk. The chairman shall

Duties of chairman.

preside at all the meetings of the board, and shall perform such duties as usually pertain to such officer, and in accordance with the customary rules of order.

505. **Meetings Of.**

Number of meetings of board in districts of first class.

The board shall hold, in districts of the first class, at least one and not more than five meetings each month for the transaction of its business; and in all districts at least four meetings each year shall be held, to-wit: On the third Saturdays of April, July, October and January, at such places and hours as shall be fixed by the board. A special meeting of the board may be held upon the call of the chairman or any two members of the board; at least forty-eight hours written notice shall be given to each member of the board of any special meetings, and no business transacted by the board shall be valid, unless transacted at a regular or special meeting thereof.

In other districts.

Date of fixed meetings.

Special meetings.

Required notice of special meetings.

506. **Quorum Of.**

School districts under control of a board of trustees.

Except when otherwise authorized by law every school district is under the control of a board of school trustees, consisting of three members, a majority of which constitutes a quorum for the transaction of business.

Quorum.

507. **Powers.**

Custody and power over property of district.

1. Over Property.—The board of trustees of each school district shall have custody of all school property belonging to the district, and shall have power in the name of the distrirt, or in their own names, as trustees of the district to convey by deed all the interest of their district in or to any school house or lot directed to be sold as hereinafter provided, and all conveyances of real estate made to the district or to the trustees thereof, shall be made to the board of trustees of the district and to their successors in office; said board, in the name of the district shall have power

Power to make deeds to what property.

To whom property for district shall be conveyed.

Power to transact business.

HeinOnline -- 1913 230 1913

to transact all business necessary for maintaining schools and protecting the rights of the district.

Authorized to establish high schools and employ teachers, etc.

2. Establish High Schools.—Whenever the interests of the district require it a board of trustees may establish a high school, employ a principal teacher and subordinate teachers, and grade the school into departments and classes.

Pupils of the district may be sent to school in another district by trustees when.

3. Transportation of Pupils.—That the trustees of any school district in the State of Montana, when they shall deem it for the best interest of all pupils residing in such district, may close their school and send pupils of the district to another district and for such purpose are hereby empowered to expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their district to such other district or districts and for the purpose of paying their tuition. Whenever the trustees of any school district in the State of Montana deem it for the best interest of such district and the pupils residing therein they may expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their homes to the public school or schools maintained in such district.

May pay for transportation and tuition to and in schools of another district.

Special sessions outside of regular school hours.

4. Night Schools.—The trustees shall have power to organize and maintain outside of the regular school hours, special sessions of the public schools whenever in their judgment, such sessions are necessary. They shall determine what subjects shall be taught, and shall make all necessary rules and regulations for such sessions including the terms of admission of pupils. Such schools shall be free to all eligible pupils of the district and the expense of maintenance shall be paid out of the general school funds of the district.

Subjects to be taught and rules and regulations of special sessions.

Transfer of funds to other districts in which their pupils attend school.

5. Transfer of Apportionment.—Any board of trustees, may in their discretion, when pupils belonging in their district are attending school in another district, transfer school moneys due by apportionment to such pupils, to the district in which they are attending school.

Special elections may be called for what purposes.

6. Call Special Election.—The board of trustees shall have power to call a special election for the purpose of Bonding the district for the erection and furnishing buildings and purchase of school sites, and for permission to sell school property: Provided, that in districts of the first and second classes boards of trus-

Districts in which trustees may change or select school sites.

HeinOnline -- 1913 231 1913

tees shall have power to change or select school sites.

Powers and duties of school boards.

508. **Duties.** Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

Prescribe and enforce rules and regulations.

1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the Superintendent of Public Instruction for their own government of schools under their supervision.

Employ teachers, mechanics, labors and fix compensation.

Teachers; how employed.

Qualifications.

Requirements of contrats employing teachers.

2. To employ or discharge teachers, mechanics, or laborers, and to fix and order paid their wages; Provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at a special or regular meeting; not unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.

Rate of tuition of non-resident pupils.

3. To determine the rate of tuition of non-resident pupils.

To fix compensation of clerk.

4. To fix the compensation of the clerk.

To enforce rules and regulations prescribed by superintendent.

5. To enforce the rules and regulations of the superintendent of Public Instruction for the government of schools, pupils, and teachers and to enforce the course of study.

To provide furniture and supplies.

6. To provide for school furniture and for everything needed in the school house or for the use of the school board.

To rent, repair and insure.

7. To rent, repair, and insure school houses.

To purchase school sites, build and remove school houses.

8. To build or remove school houses, and to purchase or sell school sites, provided that in districts of the third class they shall not build or remove school houses, nor purchase, sell or locate school sites unless directed so to do by a majority of the electors of the district.

To hold in trust, what.

9. To hold in trust for their district all real or personal property for the benefit of the school thereof.

To suspend and expell pupils, when.

10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age where the interest of the school requires such exclusion.

Children under six years.

Provide for indigent children.

11. To provide books, clothing and medical aid for indigent children when it shall be made to appear that such aid is needed.

HeinOnline -- 1913 232 1913

12. To require pupils to be furnished with suitable books as a condition of membership in school. Require furnishing of books to children.

13. To exclude from school and school libraries, all books, tracts, papers and other publications of immoral and pernicious nature. Immoral literature.

14. To require teachers to conform to the law. Requirements of teachers.

15. To make an annual report, as required by law, to the county superintendent on or before the first day of October, in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of Public Instruction. Annual reports to county superintendent.

16. To make a report directly to the Superintendent of Public Instruction whenever instructed by him to do so. Report to state superintendent of public instruction.

17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent, in districts of the third class. Determine additional branches to be taught.

18. To visit every school in their district at least once in each term and to examine carefully into its management, conditions and needs. This clause applies to each of the trustees. To visit schools, when.

19. To provide separate privies or outhouses for the use of the sexes at all school houses, where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such Privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty feet apart, and to require that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; Provided, that any trustee or trustees, teacher, janitor or janitors, failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisoned in the county jail not exceeding ninety days or both such fine and imprisonment in the discretion of the court. To provide such outhouses as are herein prescribed. Sanitary and moral regulation required. Failure to comply with this section a misdemeanor. Penalty.

20. To allow pupils residing in other districts to attend school in the district of which they have charge if in their judgment there is sufficient room. To permit outside pupils to attend their schools, when.

21. To procure by purchase or donation and to cause

HeinOnline -- 1913 233 1913

The American flag and display thereof.

to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every school house in their respective districts.

Size and quality of flag.

Said flags shall be of dimensions not less than four by six feet and shall be made from durable material.

Fixtures and payment therefor.

The school trustees are hereby authorized and empowered to use such portion of the school funds as remain in their hands and which is not otherwise appropriated for the purchase and erection of fixtures.

May close school during session of state teacher's association.

22. To close school at their discretion during the annual session of the State Treachers' Association, and to allow teachers to attend the same without loss of salary.

Trustees shall not be in any manner financially interested in what.

509. **Letting Contracts and Furnishing Supplies, Trustees Not To Be Interested In.**

It shall be unlawful for any school trustee to have any pecuniary interest, either directly or indirectly, in the erection of any school houses, or for warming, ventilating, furnishing or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or to accept any compensation or reward for services rendered as trustees, except as hereinbefore provided.

Must advertise for bids for furnishing supplies, etc., when amount involved exceeds $250.

No board of trustees shall let any contract for building, furnishing, repairing, or other work, for the benefit of the district, where the amount involved is two hundred and fifty dollars, or more, without first advertising in a newspaper published in the county for at least two weeks, calling for bids to perform such work, and the board shall award the contract to the lowest responsible bidder; Provided, however, that the Board of school trustees shall have the right to reject any and all bids.

Contract to be awarded to whom.

All bids may be rejected.

510. **Liability.**

Liability as trustees for what.

Any board of trustees, shall be liable as trustees, in the name of the district, for any judgment against the district, for any salary due any teacher on contract and for all debts legally contracted under the provisions of this title, and they shall pay such judgments, or liabilities out of the school moneys to the credit of such district.

Liabilities to be paid out of school funds.

511. **Misdemeanor. Penalty.**

School officers shall deliver to successors all books, papers and money, when.

When any school officer is suspended by election or otherwise, he shall immediately deliver to his successor in office all books, papers, and moneys pertaining to his office, and such officer who shall refuse to do so, or

HeinOnline -- 1913 234 1913

who shall willfully mutilate or destroy any such books or papers, or any part thereof, or who shall misapply any moneys instrusted to him by virtue of his office, shall be guilty of a misdemeanor, and shall be punished by a fine in the discretion of the court, not exceeding one hundred dollars.

Refusal to comply, or multilation or destruction of property, and misapplication of funds a misdemeanor.

Penalty.

512. **Clerk.**

The duties of the District Clerk shall be as follows:

District clerk duties of.

1. To attend all meetings of the board of trustees; but if he shall not be present, the board of trustees shall select one of their number as clerk who shall certify the proceedings of the meeting to the clerk of the district to be recorded by him. He shall keep his record in a book to be furnished by the board of trustees and he shall preserve a copy of all reports made to the County Superintendent and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successors.

To attend all meetings.

Keep records and preserve copies. books, etc.

2. To keep accurate and detailed accounts of all receipts and expenditures of school moneys. At each annual school meeting the district clerk shall present his record book, for public inspection and shall make a statement of the financial condition of the district and the action of the trustees and such record must always be open for public inspection.

Accounts of receipts and expenditures.

Present records for public inspection, when and where.

Financial statement.

3. To make annually between the first day of September and the first day of October of each year, an exact census of all the children and youth between the age of six and twenty-one years residing in the district; and shall specify the sex, age, and date of birth of such children. He shall take the name of each child, the same to be spelled out in full; the Christian and surname of both parents, or guardians, and including initials of all middle names, together with the place of residence of said parents or guardians, specified by street and number if living in city or town; or, if living in any other than a city or town, the post office address of said parents or guardians must be given. He shall take specifically and separately a census of all children under the age of six years as in the manner aforesaid. all children under twenty-one years of age who may be absent from home for any cause, shall be included by the district clerk in this census list of the city, town or district in which their parents reside. He shall make under oath full report thereof on blanks furnished for

To make annual census of all children and youth in district, when.

Census to contain what.

Children under age of six.

Children absent from district.

Verified report of census to be made to county superintendent.

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this purpose to the county superintendent in duplicate, within fifteen days after the completion of the census and deliver a copy to the school trustees. Failure to make such report as specified shall constitute a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars. For taking the census the District Clerk shall be paid by the board of trustees from the county school money, to the credit of the district, in the same manner as other contingent expenses are paid, at a rate not exceeding ten cents for each child's name returned by him. He shall receive such other compensation for other services as may be allowed by the board of trustees. In case any district clerk shall fail to take the census provided in this act at a proper time, and if through such neglect the district fail to receive its apportionment of school moneys, said school clerk shall be individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district in the name and for the benefit of the district.

Failure to comply with requirement.

Penalty.

Clerks compensation for taking census.

Other compensation.

Failure of clerk to take census.

Liability to district.

4. To make annually between the first and twentieth days of September of each year, an exact detailed and itemized statement, of all moneys expended by or in behalf of the school district, which statement shall show all disbursements made on behalf of the school district from September first of the preceding year to September first of the current year; it is hereby made the duty of the clerk to file said statement on or before September thirtieth of each year with the Chairman of the Board of Trustees of the district and a copy thereof with the County Treasurer of the County wherein the district is located and in all districts disbursing annually amounts exceeding $10,000.00, the clerk shall and in districts disbursing less than $10,000.00, annually, may cause to be published in some newspaper in general circulation published in the same county, a copy of said statement, for two consecutive issues, such publication to commence not later than the first week in September. It is hereby made the duty of the Board of County Commissioners of each county to designate the newspaper in which said publication shall be made.

Duty to make annual financial statement.

Statement shall show what.

Shall file statement with chairman of the board when.

Copy with whom.

When clerk shall and when he may publish such report and where published.

Board of county commissioners shall designate newspaper.

513.—**Shall Not Purchase Charts.**—The Board of school trustees in any district of the third class shall not issue any warrant for maps, charts or other apparatus unless the same is authorized by

Board of trustees in districts of the third class forbidden to purchase, maps, etc., except when.

HeinOnline -- 1913 236 1913

the county superintendent.

CHAPTER VI.

Schools.

"Public School" defined.

600—School Defined.

A public school is hereby defined to be one that is maintained at the public expense in each school district, and under the supervision of the board of trustees, and shall comprise the elementary grades and may comprise in addition at option of the board the kindergarten and high school grades.

Branches of learning to be taught therein.

601 Course of Study in Elementary Schools.—

All public schools shall be taught in the English language; and instruction shall be given in the following branches, viz: reading, penmanship, written arithmetic, mental arithmetic, orthography, geography, English Grammar, physiology and hygiene, with special reference to the effect of alcoholic stimulants and narcotics on the human system, civics (State and Federal), United States history, and history of Montana.

School board may establish free kindergarten.

602.—Kindergarten Free.—

The school board of any school district in the State shall have power to establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between three and six years, residing in said district and shall establish such course of training, study and dicipline, and such rules and regulations governing such preparatory or kindergarten schools as said board may deem best; provided, that nothing in this Act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of state and county school funds among the several counties and districts in the state; provided, further, that the cost of establishing and maintaining such kindergartens shall be paid from the school funds of said district, and the said kindergartens shall be a part of the public school system and governed as far as practicable in the manner and by the same officers as is now, or hereafter may be provided by law for the government of the other public schools of the State; provided, further, that the teachers of kindergarten schools shall pass such examination on kindergarten work as the kindergarten department of the state normal school may direct, provided that a certificate from a kindergarten teacher's

Ages of pupils.

Does not alter requirements regarding taking of census or apportionment of school funds.

Cost of kindergartens to be paid from what funds.

Shall be a part of school system and governed, how.

HeinOnline -- 1913 237 1913

Examination of teachers which shall be required.

institute of recognized standing shall be recognized by the state normal school.

High schools may be established by whom.

603. **High Schools.**—Boards of trustees have power to establish a high school as hereinbefore provided.

All children of this district between the ages of 6 and 21 may attend the public schools.

604. **Who May Attend.**—

Every public school not otherwise provided for by law shall be open to the admission of all children between the ages of six and twenty-one years residing in the school district, and the board of trustees shall have the power to admit children not residing in the district as hereinbefore provided.

Children from other districts.

Length of school day.

605.—**School Day.**—

The school day shall be six hours in length, exclusive of an intermission at noon; but any board of trustees in any district having a population of five hundred or more may fix as the school day a less number of hours than six; provided, that it be not less than four hours, except in the lowest primary grades where the pupils may be dismissed after an attendance of three hours.

Shorter day may be fixed when.

Shall not be less than 4 hours, excepting.

606. **School Month.**—

School month, 4 weeks.

A school month shall consist of four weeks of five days each.

School year.

607. **School Year.**—

Number of months school shall be in session.

The school year shall begin on the first day of September, and end on the thirty-first day of August; provided, that in districts of the third class the schools shall not be in session less than four months in any school year, and in districts of the first and second classes the school shall be in session not less than nine months during any school year; provided, further that any school district of the third class which shall fail to maintain a free school for four months during the next preceding school year, and any district of the first and second class which shall fail to maintain a free school for at least nine months during the next preceding school year, or any school district that shall fail to make its annual report to the county superintendent as provided by law on or before October 1st, of each year shall not be entitled to receive any apportionment of any school moneys.

Districts shall not be entitled to receive apportionment of school money, when.

Forfeited money shall be apportioned between other districts.

Any and all such moneys thus forfeited by any school district shall be apportioned by the county superintendent to other school districts of his county.

608. **Maintenance of Schools in Isolated Sections.**—

In districts in which there may be an isolated section

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or sections where reside not less than four children, which sections are situated not less than five miles from the established high school in such district, in which isolated section or sections is maintained for not less than three months a school presided over by a regular qualified teacher for the benefit of all children of such section, the board of trustees of such district may pay to the teacher of such school the apportionment of the school moneys for the census children so attending said school.

In isolated districts situated not less than 5 miles from a high school, and having not less than 4 resident children therein, etc., board may pay teacher what money.

609. **Sectarian Publications Prohibited.—**

Prohibiting sectarian, partisan and denominational publications in schools and their libraries.

No publication of a sectarian, partisan or demoninational character shall be used or distributed in any school or be made a part of any school library; nor shall any sectarian or demoninational doctrines be taught therein.

610. **Fire Drills.—**

Duty to teacher in all schools of 30 or more enrolled pupils, to instruct in fire drills each week.

1. That in all schools of the state, either public or private, in which thirty or more children are enrolled, it shall be the duty of the teacher or teachers therein employed to instruct the children under their immediate control and charge once each week during school terms in "fire drill" as hereinafter provided.

Fire alarm, how given.

What children shall be required to do.

2. A fire alarm shall be given by striking a gong, and immediately upon such alarm, the children shall be required to form immediately in line and leave the building in an orderly manner, through the exit and exits that will most expeditiously clear the building. There shall be no certain day of the week or hour of the day for giving such alarm, and it shall be given without previous warning to the children.

Duty of trustees to furnish and place fire gongs as required.

3. It shall be the duty of the trustees or directors, or other persons having control and management of any school building of the class mentioned in subdivision one of this section, to provide one or more gongs therefor, to be placed in such a manner that any teacher may give an alarm without leaving the room or that such alarm could be given from the basement. Each member of any board of trustees or directors, or any other person, whose duty it is to install said gongs as herein provided, who fails or refuses so to do shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars.

Liability of each trustee upon failure to comply with requirement.

Penalty.

4. Any teacher who fails or refuses to instruct in

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Misdemeanor for any teacher to fail to give instructions as required.

Penalty.

said fire drill in the manner provided for in this chapter, after the installation of gongs, as above provided, shall be deemed guilty of a misdemeanor and shall upon conviction, be fined not less than five nor more than twenty-five dollars.

611. **Instruction in Fire Dangers and Prevention Thereof.**

Duty of teachers in all schools of elementary grades and of more than ten pupils to give fire drill instructions.

1. Every teacher or instructor in every public, private or parochial school of elementary grade consisting of more than ten pupils, shall devote not less than ten minutes in each week during which school is in session to the instruction of pupils in fire dangers.

Commissioner of Insurance to prepare book of lessons to be used.

For the purpose of such instruction it shall be the duty of the Commissioner of Insurance, to prepare a book conveniently arranged in chapters or lessons, such chapters or lessons to be in number sufficient to provide a different chapter or lesson for each week of the maximum school year, one of such lessons to be read by the teachers in such school each week; provided, that if it is advisable, and found possible, to secure such lessons as may have been prepared for this purpose, or in use, in another state, the same may be used in this state.

Teachers must read one lesson each week, etc.

Publication of book to be paid for from what fund.

This book shall be published at the expense of the state from the amount appropriated for public printing, under the direction of the State Superintendent of Public Instruction, and shall be distributed in quantities sufficient to provide a copy for each teacher required by the provisions of this chapter, to give the instruction herein provided for; the distribution to be made by the State Superintendent of Public Instruction.

Distribution of book.

Wilful neglect to comply with provisions of chapter a misdemeanor.

2. Willfull neglect by any principal, or other person, in charge of any public, private or parochial school of the elementary grades to comply with the provisions of this chapter, shall be a misdemeanor, punishable, each offense, by a fine of not less than Five Dollars nor more than Twenty Dollars.

Penalty.

Prevention of communicable diseases to be taught.

612. **Prevention of Communicable Diseases.**

1. There shall be taught in every year in every public school of elementary grade in Montana, the principal modes by which each of the dangerous communicable diseases spread, and the method for the restriction and prevention of each such diseases as small pox, diphtheria, scarlet fever, measles, tuberculosis, chicken pox, and such other diseases as may be named,

HeinOnline -- 1913 240 1913

and attention called to the same by the board of health of this state.

Data to be furnished by school boards.

2. School boards shall annually send to the public school superintendents and teachers throughout the state printed data and statements which will enable them to comply with the provisions of this chapter.

Superintendents and teachers to be required to give oral and blackboard instructions.

3. School boards are hereby required to direct superintendents and teachers to give oral and blackboard instruction, using the data and statements supplied by the state board of health.

Neglect or refusal to comply with requirements.

4. Neglect or refusal on the part of any superintendent or teacher to comply with the provisions of this chapter shall be considered a sufficient cause for dismissal from the school by the school board.

Misdemeanor for any number of school board to neglect or refuse to comply.

5. Any member of any school board who shall willfully neglect or refuse to comply with any provisions of this chapter shall be deemed guilty of a misdemeanor and shall be subject to punishment by a fine not exceeding one hundred dollars.

CHAPTER VII.

Pupils.

All pupils required to comply with regulations, etc.

700. All pupils who may be attending public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the required course of study, and shall submit to the authority of the teachers of such schools. Continued and willful disobedience and open defiance of the authority of the teacher shall constitute good cause for expulsion from school. Any pupil who who shall in any way, cut, deface or otherwise injure any school house, furniture, fences or out-buildings thereof, or any book belonging to other pupils, or any books belonging to the district library, shall be liable to suspension and punishment, and the parent or guardian of such pupil shall be liable for damages, on complaint of the teacher or any trustee and upon proof of the same.

Causes for expulsion.

Injurying school or other property.

Liablity of parents and guardians.

701. **Secret Fraternities.—**

Prohibiting secret fraternities in schools.

1. Prohibited in Public Schools.—From and after the passage of this Act it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of any secret fraternity or society wholly or partially formed from the

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Exception.

membership of pupils attending any such schools or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the trustees of such schools.

Duty of trustees to enforce provisions of section 701 and establish rules and regulations to that end.

2. Trustees to establish rules and regulations.—The trustees of all such schools shall enforce the provisions of Section 701 of this chapter and shall have full power and authority to make, adopt and modify all rules and regulations which in their judgment and discretion may be necessary for the proper governing of such schools and enforcing all the provisions of this section.

Power of trustees to suspend or dismiss any pupil for violating any provision of this section.

3. Trustees shall have power to suspend or dismiss. —The trustees of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend or dismiss any pupil or pupils of such school therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such trustees, or a majority of them, such pupil or pupils are guilty of violating any of the provisions of this section, or who are guilty of violating any rule, rules or regulations adopted by such trustees for the purpose of governing such schools or enforcing this section.

Or any rule or regulation adopted for its enforcement.

Misdemeanor for any person to solicit or "rush" any pupil, to join any fraternity, etc., organized outside of such school.

4. Soliciting a misdemeanor, by persons, not pupils. —It is hereby made a misdemeanor for any person not a pupils of such schools to be upon the school grounds, or to enter any school building for the purpose of "rushing" or soliciting while there any pupil or pupils of such schools to join any fraternity, society or association organized outside of said schools.

Penalty.

All persons convicted of violating the provisions of this section shall be punished by a fine of not less than five dollars nor more than twenty-five dollars.

CHAPTER VIII.

Teachers.

800. **Certificate of Qualification.—**

Persons to whom teachers certificates shall not be issued.

1. Qualifications.—No certificate to teach in the public schools of Montana shall be granted to any person, who is not a citizen of the United States, or who has not declared his intention to become a citizen.

Age requirement for teachers

2. No person is eligible to teach in any public school in this state, or to receive a certificate to teach, who has not attained the age of eighteen years.

HeinOnline -- 1913 242 1913

Persons who shall not be accounted a qualified teacher.

3. No person shall be accounted a qualified teacher within the meaning of the school law who has not first secured from the county board of educational examiners of the county in which he proposes to teach, a certificate setting forth his qualifications; or who has not secured a temporary certificate from the county superintendent, or from the county board of educational examiners; or who has not a certificate endorsed by the county board of educational examiners; or who has not a state certificate or a life diploma issued by the state board of education; or who has not a temporary state certificate issued by the state superintendent; or who does not hold a certificate from the state normal college; or who has not a university certificate of qualification to teach. Upon the request of any board of school district trustees or its representatives, or any county superintendent of schools, the state superintendent of public instruction may grant, without examination, a special certificate valid only in the district requesting the same, in music, drawing, elocution, physical culture, penmanship, manual training, domestic science, agriculture, commercial and kindred subjects, first three year primary, and kindergarten grades to any teacher who presents satisfactory evidence of special proficiency for teaching any of the above subjects, as shown by any certificate and credentials held by such teacher; provided, that such special certificate shall be valid for only one year, and shall be referred to the State Board of Education for further approval on the payment of one dollar ($1.00) into the county institute fund, and shall entitle the holder to teach only such special subjects as are stated in said certificate, provided, that all certificates or diplomas before they shall be valid in any county must be registered in the office of the county superintendent within ten days after the term of service of any teacher begins; and not more than ten days' salary shall be paid any teacher for services rendered previous to the registration of such certificate or diploma.

When state superintendent may grant special certificate, to teach specified subjects herein named.

Specific certificate valid for how long and to teach what. Referred for further approval on payment of fee.

All certificates and diplomas shall be registered before they shall become valid.

Qualifications of teachers required.

4. Any person to be eligible to teach in any public school in Montana must have attained the age of eighteen years, must be a citizen of the United States, or must have declared his intention to become a citizen, and must be the holder of a lawful certificate to teach. Any contract made in violation of this section shall be

HeinOnline -- 1913 243 1913

void.

801. **Tenure of Office of Teachers.—**

Tenure of office of teachers and principals after second election in any district.

After election of any teacher or principal for the second consecutive year in any district in the state such teacher or principal so elected shall be deemed re-elected from year to year thereafter unless the board of trustees shall by a majority vote of its members on or before the first day of May give notice in writing to such teacher or principal that his services will not be required for the ensuing year; provided, that in case of principals in charge of school systems such notice shall be given on or before February 1st.

Required notice to prinpicals.

802. **Powers.—**

Authority of teachers.

Every teacher shall have power to hold every pupil to a strict accountability in school, for any disorderly conduct on the way to and from school or during intermission or recess; to suspend from school any pupil for good cause; provided that suspension shall be reported to the trustees as soon as practicable for their decision; provided further, that in school districts employing a superintendent or principal, the power of suspension shall be vested in the superintendent or principal as directed by the rules of the board.

To suspend pupils for cause; provided.

When power to suspend vests in school superintendent or principal.

803 **Duties.—**

1. Teachers shall faithfully enforce in school the course of study and regulations prescribed, and if the teacher shall refuse or neglect to comply with such regulations then the board of trustees shall be authorized to withhold any warrant for salaries due, until such teacher shall comply therewith.

Duty of teachers.

When warrant may be withheld.

2. It shall be the duty of the teacher of every public school in this state to keep in a neat and businesslike manner, a daily register in such form and upon such blanks as shall be prepared by the superintendent of public instruction, and no board of trustees shall draw any warrant for the salary of any teacher for the last month of his services in the school at the end of any term or year, until they shall have received a certificate from the district clerk that the said register has been properly kept, the summaries made and the statistics entered, or until, by personal examination, they shall have satisfied themselves that it has been done.

Other duties of teachers.

Daily register.

Warrant for last month not to be drawn when.

3. Every teacher employed in any public school shall make an annual report to the county superintendent on or before the tenth day of September next after the

Shall make annual report to county superintendent.

HeinOnline -- 1913 244 1913

close of each school year, in the form and manner and on blanks prescribed by the superintendent of public instruction. A copy of such report shall be furnished to the district clerk.

Contents of report made at end of school year.

Any teacher who shall end any school term before the close of the school year, shall make a report to the county superintendent immediately after the close of such term, and any teacher who may be teaching any school at the close of the school year shall in his annual report, include all statistics from the school register for the entire school year notwithstanding any previous report for a part of the year.

Other reports which may be required.

Teachers shall make such additional reports as shall be required in pursuance of law by the superintendent of public instruction.

No warrant for last months salary to be drawn until when.

No board of trustees shall draw any order or warrent for the salary of any teacher, for the last month of his services until the reports herein required shall have been made and received; provided, that in all schools acting under the direction of a city superintendent, teachers shall be required to report to such superintendent, whose report shall be accepted by the county superintendent and by the trustees in lieu of the teachers reports; and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teachers' reports.

Proviso; in schools acting under city superintendent.

Duty of teachers to impress principals of morality, truth, etc., on minds of pupils.

4. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice and patriotism; to teach them to avoid idleness, profanity and falsehood, and to instruct them in the principles of free government and to train them up to a true comprehension of the rights, duties and dignity of American citizenship.

And to teach and instruct in what.

To exercise diligence in care of school property.

5. It shall be the duty of the teacher to exercise due diligence in the care of school grounds and buildings, furniture, apparatus, books and supplies.

Infliction of corporal punishment.

6. Whenever it shall be deemed necessary to inflict corporal punishment on any student in the public schools, such punishment shall be inflicted without undue anger and only in the presence of teacher and principal, if there be one; and then only after notice to the parent or guardian; except that in cases of open and flagrant defiance of the teacher or the authority of the school, corporal punishment may be inflicted by the teacher or principal without such notice.

Notice to parents, excepting when.

7. Any parent, guardian or other person, who shall

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Misdemeanor for parent or guardian to insult or abuse teacher, where.

insult or abuse a teacher in the presence of the school, or anywhere on the school grounds or school premises, shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars nor more than one hundred dollars.

Penalty.

Disturbing public school or school meeting.

8. Any person who shall willfully disturb any public school or any public school meeting, shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than ten dollars nor more than one hundred dollars.

Penalty.

804. **Undue Punishment of Pupils.—**

Misdemeanor to administer undue or severe punishment.

Any teacher who shall maltreat or abuse any pupil by administering any undue or severe punishment shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars.

Penalty.

805. **Dismissal. Appeal.—**

Teacher when dismissed before expiration of contract may appeal to county superintendent.

In the case of the dismissal of any teacher before the expiration of any written contract entered into between such teacher and board of trustees for alleged immorality, unfitness, incompetence or violation of rules, the teacher may appeal to the county superintendent; and if the superintendent decides that the removal was made without good cause, the teacher so removed must be reinstated, and shall be entitled to compensation for the time lost during the pending of the appeal.

Must be reinstated when.

806. **Suspension of Teachers' Certificates.—**

Should any teacher employed by the board of school trustees for a specified time, leave the school before the expiration of such time, without the consent of the trustees in writing, said teacher shall be guilty of unprofessional conduct, and the county superintendent may, upon receiving notice of such fact, suspend the certificate of such teacher for the period of six months. Should such teacher be the holder of a state certificate or life diploma the county superintendent shall report the delinquency of the teacher to the superintendent of public instruction, who may suspend said diploma for the period of one year.

County superintendent may suspend certificate of teacher, when.

State superintendent may suspend certificate or life diploma when.

807. **School Month. Legal Holidays.—**

What to be construed a school month in teachers contract.

In every contract between any teacher and board of trustees, a school month shall be construed as twenty school days, or four weeks of five days each, and no teacher shall be required to teach school on a legal

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holiday, and no deducation from the teachers' time or wages shall be made by reason of the fact that a school day happens to be a legal holiday. Any contract made in violation of this section shall have no force or effect as against the teacher.

Teacher not required to teach on legal holidays.

Contracts made in violation of this section.

CHAPTER IX.

County Examinations and Certificates.

900. **Examination of Teachers.** The county board of educational examiners shall hold public examinations of all persons over eighteen years of age offering themselves as candidates for teachers of public schools, at the county seat, on the last Thursday and Friday of February, April, August and October of each year, and, when necessary, such examinations may be continued on the following day, at which time the board shall examine such candidates by a series of written or printed questions, according to rules prescribed by the state superintendent of public instruction. The questions prepared by the state superintendent of public instruction when received by the county superintendent shall not be opened or the seal thereof broken until the day of examination and then in the presence of the applicants. And the county superintendent is prohibited from furnishing or giving to any person or persons any information concerning the questions prepared by the state superintendent. If the percentage of correct answers is not less than 70% in any one branch with a general average of 80%, and other evidence disclosed by the examination including particularly the board's knowledge and information of the candidate's scholarship and successful experience, indicates that the applicant is a person of good moral character and possesses ability to manage, and fitness to teach in the public schools of the state the various branches required by law, said board shall grant to such applicant a certificate of qualification, provided that no certificate shall be granted to any person who is not a citizen of the United States or who has not declared his intention to become a citizen.

County Board of education to hold teachers examination, when.

Shall examine whom.

Examination may be continued when.

Questions to be put upon such examinations.

Seal of prepared questions not to be opened until when, and in presence of whom.

No information to be from candidates as to questions.

Percentage of correct answers required to pass.

When board shall grant certificate.

Citizenship required.

If the attendance upon any examination of teachers at the county seat shall work a great hardship to any teacher in the county, the county superintendent, upon the approval of the state superintendent, may provide for such teachers to take the examination at some convenient place, and the county superintendent may ap-

When examination may be had at place other than county seat.

HeinOnline -- 1913 247 1913

County Superintendent may appoint suitable person to conduct the examination.

point some suitable person to conduct such examination, under the rules and regulations prescribed by the state superintendent of public instruction.

County board of educational examiners; to be composed of whom.

901. **County Board of Educational Examiners.** In each county there shall be a board of county examiners composed of the county superintendent of schools who shall be ex-officio chairman of the board, and two competent persons to be appointed by the board of county commissioners, who at the time of their appointment shall be residents of the county and shall have been actively engaged in teaching for a period of at least eighteen months. Two members of this board shall constitute a quorum for the transaction of business. If vacancies occur in these positions during the terms for which their incumbents were appointed, their successors shall be appointed to serve during their unexpired terms only. Upon the expiration of the regular terms of either of these examiners his successor shall be appointed to serve for two years.

Qualification of members.

Quorum of board.

Vacancies to be filled for unexpired terms.

Successor to be appointed to serve two years.

Qualifications of members of county board of educational examiners.

902. **Qualifications of County Board of Educational Examiners.** Such examiners at the time of their appointment must be holders of Montana professional county certificates, or state certificates, or life diplomas, or diplomas from the state university, state normal college, or state college of agriculture and mechanic arts, or holders of diplomas as graduates from some reputable university, college or normal school other than those of Montana. These examiners shall qualify for their positions in the same form and manner required for the qualification of all county superintendents.

Manner of qualifying for office.

Duties of examiners.

903. **Duties of County Board of Educational Examiners.** The duties of these two examiners shall be to act jointly and equally with the county superintendent in the matter of conducting the examination of teachers and in the marking and grading of papers submitted to them as the results of the examination. This board of examiners shall also conduct all eighth grade examinations in their respective counties when requested to do so by the state board of education under their rules and regulations; and it shall be empowered to grant eighth grade diplomas or common school certificates to all examinees successfully passing such examination.

Shall conduct eighth grade examination, when.

Power to grant eighth grade diplomas to whom.

Expenses and compensation of the two members.

904. **Compensation of Board of Examiners.** The compensation of these examiners shall be their actual

HeinOnline -- 1913 248 1913

traveling expenses from their residences to and from the county seat or other point in the county where the examinations are held, and such further compensation per diem as the board of county commissioners may deem just and sufficient for their services, basing such compensation upon the actual quantity of work performed by them and the actual time required to perform it.

CERTIFICATES.

Kinds.

Second grade certificates; no experience required.

(a) **Second Grade.** To secure a second grade certificate, no experience is required. Applicants for this grade must present evidence of good moral character and physical health and shall pass an examination in the following branches, or such additional branches as may hereafter be prescribed by the State Board of Education; Reading, writing, arithmetic, spelling, grammar, geography, physiology and hygiene, United States history, civics, (state and federal), and theory and practice of teaching. This certificate shall be valid for a period of 18 months, and on being endorsed and registered in the office of the county superintendent, shall be valid in any county in the state.

Applicants must present evidence of what, and be examined in branches herein prescribed.

Certificate valid for what time.

Requirements to obtain first grade certificate.

(b) **First Grade.** To secure a first grade certificate, the applicant must present evidence of good moral character and physical health, must have had 12 months' successful experience as a teacher, and must in addition to the branches required for a second grade certificate, take an examination in American Literature, physical geography, elementary algebra through quadratics, and school management or such other branches as may be prescribed by the State Board of Education. This certificate shall be issued for a period of three years and shall be valid in any county on being endorsed and registered in the office of the county superintendent.

Must be examined in what branches.

Good for period of three years, when.

Showing required to obtain professional certificate.

(c) **Professional.** To secure a professional certificate the applicant must present evidence of good moral character and physical health, must have had at least 18 months' successful experience as a teacher, and in addition to the branches required for a first grade certificate, must pass an examination in physics, plane geometry and elementary psychology. This certificate shall be issued for a period of four years and shall be valid in any county on being endorsed and registered in the office of the county superintendent of schools.

Examination required.

To be issued for a period of four years.

HeinOnline -- 1913 249 1913

Temporary certificates may be granted for what time, and to whom.

(d) **Temporary Certificate.** The county superintendent may grant a temporary certificate to teach until next regular examination to any person applying at any other time than at a regular examination, and who has previously held a valid certificate to teach, but such temporary certificate shall not be granted more than once to the same person; provided, that when it is impossible because of sickness or other valid reasons for such teacher to attend the next regular examination, such teacher shall certify the facts to the county board of educational examiners, and this board may issue a second permit valid until the next regular examination, provided, further, that when a teacher shows special fitness to teach and passes at the examination 70% or above in all subjects, but fails to make an average of 80%, or secures an average of 80% for all branches, but fails to make 70% in one or two branches, such teacher may, at the discretion of the county board of educational examiners, be issued a permit to teach until the next regular examination; and at such examination no teacher shall be required to be examined in any branch in which she has obtained a grade of 80%. Such a permit shall not be issued to any teacher more than once.

Not to be granted more than once to same person.

When county board of examiners may grant second temporary certificate, valid until when.

Proviso: in case of partial failure in taking examination.

Only one such certificate can be issued to same person.

When special certificates may be issued by state superintendent.

(e) **Special Certificates.** Upon the request of any board of school district trustees, or its representatives or any county superintendent of schools, a special certificate valid only in the district requesting the same, may be granted by the state superintendent of public instruction, in music, drawing, elocution, physical culture, penmanship, manual training, domestic science, agriculture, commercial and kindred subjects, first three primary and kindergarten grades to any teacher who presents satisfactory evidence of special proficiency for teaching any of the above subjects, as shown by any certificate and credentials held by such teacher, on the payment of one ($1.00) dollar into the county institute fund; provided, that such special certificate shall be valid only for one year and shall entitle the holder to teach only such special subjects as are stated in said certificates; provided, that all certificates or diplomas before they shall be valid in any county must be registered in the office of the county superintendent within ten days after the term of service of any teacher begins; and not more than ten days' salary shall be paid

In what branches, and to whom.

Fee to be paid.

Special certificate good for one year, and to teach what.

Registration of certificates and diplomas.

HeinOnline -- 1913 250 1913

any teacher for services rendered previous to the registration of such certificate or diploma and provided that such special certificates shall be referred to the State Board of Education for further approval.

Salary for ten days services only, prior to registering certificate.

2. **Fees for Certificates.** Every applicant for a county certificate shall pay one dollar to the county superintendent, which shall be used by him in the support of teachers' institutes in the county.

Fee for county certificate.

3. **Re-canvass of Papers on Appeal.** Any candidate thinking an injustice has been done, by paying a fee of two dollars into the institute fund of the county and by notifying both county and state superintendent of the same, shall have his papers re-examined by the state superintendent of public instruction. The county superintendent shall upon receipt of such notice from said complaining candidate, transfer said papers to the state superintendent, of public instruction, who shall re-examine the same and if the answers warrant it, shall instruct the county board of educational examiners to issue to such complaining candidate a county certificate of proper grade, and the county superintendent shall carry out such instruction and return the appeal fee of two dollars to the teacher.

When candidate may have papers re-examined by state superintendent of instruction.

Duty of county superintendent to transfer papers to state superintendent, when.

When state superintendent shall instruct county board to issue a county certificate.

4. **Revocation of Certificates.** The county superintendent is authorized and required to revoke and annul, at any time, any county certificate granted by any board of educational examiners for any cause which would have authorized or required the board to refuse to grant it if known at the time it was granted, and for incompetency, immorality, intemperance, physical inability, crime against the state law, refusal to perform his duty or general neglect of the business of the school. The revocation of the certificate shall terminate the employment of such teacher in the school in which he may at the time be employed, but the teacher must be paid up to the time of receiving notice of such revocation.

County superintendent may revoke and annul county certificates, when.

Effect of revocation.

906. **Renewals.** Before the expiration of any professional or first grade certificate, such certificate shall be renewed by the county board of educational examiners, upon the proper fee being paid into the institute fund, as provided for in the case of examination; provided, that no professional or first grade certificate shall be renewed unless the applicant has taught successfully, as shown by two or more testimonials, at least 12 months during the life of such certificate. Said profes-

When first grade certificates may be removed.

Period of successful teaching which must be shown before renewal granted.

HeinOnline -- 1913 251 1913

sional or first grade certificate shall be renewed by any county board of educational examiners by endorsement thereon.

Showing required on application for higher grade certificate.

907. **Higher Grade Certificate—How Secured.** Whenever application is made by a holder of an unexpired first grade or second grade county certificate for examination for any higher grade county certificate, and it shall be made to appear to any board of educational examiners that such applicant has been engaged in teaching successfully, as shown by two or more testimonials, in any of the public schools of the state for a period of twelve months or more, the said applicant shall be entitled to be credited on such higher certificate in all subjects in which he has received 80% or above, as shown on the said unexpired certificate, and shall not be required to be examined in any studies except the additional ones prescribed for such certificates and such other studies in which he may not have secured 80% on his unexpired certificate.

Shall be required to be examined in what studies.

When normal school grade credits are to be given applicant.

908. **Normal School Credits Acknowledged.** Any applicant for any grade of county certificate who has completed at the Montana State Normal College any branch for such certificate, shall upon filing with the county board of educational examiners a statement from the President of said Normal College to that effect, have such grade credited without examination on such certificate.

Existing certificate shall be valid during period for which they were issued.

909. **Existing Certificates Validated.** Any person now holding a professional grade certificate, a first grade certificate, a second grade certificate, or a third grade certificate shall be permitted to teach thereunder during the life of such certificate; and any person now holding a professional or first grade certificate may have the same renewed by the county superintendent upon the proper fee being paid into the institute fund as provided for in the case of examination; provided, that there shall be no limit to the possible number of such renewals. No such certificate shall be renewed unless the applicant has taught at least ten months during the life of such certificate. Whenever application is made by any person now holding an unexpired first grade, second grade, or third grade Montana certificate for examination for any higher grade certificate provided for in this Act, and it shall be made to appear to the county superintendent that such applicant has

First grade or professional certificates now held may be renewed upon paying proper fee.

No limit to number of such renewals.

Period of teaching required.

HeinOnline -- 1913 252 1913

been engaged in teaching in any of the public schools of the state for a period of one year or more, said applicant shall be entitled to be credited with the percentage on his last examination for said first, second, or third grade certificate, as the case may be, and shall not be required to be examined in any studies except the additional ones prescribed for such certificate and such other studies as the applicant may not have secured the required percentage on previous examination; provided, that to excuse any person not holding a certificate from taking the examination upon any branch of any grade, he or she must have secured upon such branch, at his or her last previous examination at least 80%.

Credits to be given and examinations required of applicants for higher grades, who now hold either first, second or third grade certificates.

Proviso.

910. **Principals' and High School Teachers' Certificates.** No person shall be employed as a teacher in a high school or as the principal teacher of a school of more than three departments who is not the holder of a professional county certificate or a Montana state or life certificate, or who is not a graduate of some reputable university, college, or normal school recognized by the State Board of Education.

Certificates required to be held by any person employed as high school teacher or as principal teacher in schools named.

CHAPTER X.

Teachers' Institutes and Summer Schools.

1000. **Teachers Institutes to Be Held Yearly.** The county superintendent in every county must hold one teachers' institute in each year, at the county seat, except as hereinafter provided, and every teacher employed in a public school in the country must attend the institute and participate in its proceedings except as hereinafter provided; provided, that whenever the state superintendent and two or more county superintendents deem it advisable, a joint institute consisting of the teachers of two or more counties, may be held at any convenient place within such counties to be selected and agreed upon by their superintendents.

Duty of county superintendent to hold teacher's institute annually at county seat.

Exception.

All teachers employed in county must attend.

When joint institutes may be held when.

Place of meeting.

1001. **Length of Session.** Each session of the institute must continue not less than four nor more than ten days.

Length of session.

1002. **Institute Instructors.** The instructors for the county institutes and summer schools shall be selected by the county superintendent from a list recommended upon the approval of the State Board of Education by the state superintendent. No instructor shall receive any compensation unless he is the holder of an institute instructor's license issued by the state board of

Instructors for county institute and summer schools to be selected from among whom.

What instructors may be paid.

HeinOnline -- 1913 253 1913

education.

How time for holding county institute to be determined.

Notice to be given.

All teachers in county shall attend.

No salary loss for time expended.

County superintendent shall furnish each teacher with certificate of her time so spent.

Certificate may be revoked for failure to attend county institute.

Teacher may be excused for cause.

Apportionment of money may withhold if trustees willfully fail to close school during meeting.

When trustees may be excused from closing schools.

1003. **Teachers Must Attend.** The county superintendent shall confer with the state superintendent, and on his approval, appoint a time for holding the teachers' institute in his county. It shall be his duty to give written notice of the time and place in his county, and to all the teachers of the county, at least thirty days before the opening of such institute. It shall be the duty of all boards of school trustees through their clerks, to notify each and all of the teachers within their districts of the time and place of holding the institute and to direct each and all of their teachers to close their several schools for the purpose of attending the institute. Each and every teacher engaged in teaching a term of school in any district during the time of the institute shall close his school during such time and shall attend the institute and take active part in the same except as hereinafter provided, without loss of salary for the actual time spent in attending the institute and for the actual time spent in going to and returning from the same. The county superintendent shall in all cases keep and preserve a record of the actual time spent by each teacher of his county at the institute and shall furnish both to each teacher and to his board of school trustees a certificate of the time spent by said teachers at the institute. Willful failure on the part of any teacher to attend the institute, except as hereinafter provided, shall be considered sufficient cause for the revocation of such teacher's certificate by the county superintendent; provided, however, that the county superintendent may, in his discretion, excuse any teacher from attending the institute who could not attend same without great and excessive inconvenience, cost, expense, and loss of time. Willful failure on the part of the board of school trustees of any school district to close their schools, during the time of the holding of the institute as herein required, shall be considered sufficient cause for withholding the public moneys to which such district would otherwise be entitled; provided, however, that, in the case of boards of school trustees as in the case of teachers the great distance of any school district from the place of holding the institute, excessive loss of time, inconvenience, and cost shall be considered good grounds on which the county superintendent, under au-

HeinOnline -- 1913 254 1913

thority and direction from the state superintendent, may excuse any board of school trustees from closing their school at such times and from observing the above requirements.

High school teachers exempt from requirements of chapter.

1004. **High School Teachers Exempt.** All high school teachers are hereby exempt from the requirements of this chapter.

Institute and summer school fund created.

1005. **Institute and Summer School Fund.** For the purpose of defraying the expenses of the institute there shall be a fund created as follows:

Fund to consist of what moneys.

1. All moneys received from the issuance of teachers' certificates by the county superintendent.

2. Moneys received from appropriations by boards of county commissioners; and every board of county commissioners in each county in which a teachers' institute or summer school may be held is hereby authorized and directed to appropriate for said fund as follows:

County commissioners authorized to appropriate, what money.

Counties of the first class not less than $250 nor more than $450. Counties of the second class not less than $250 nor more than $400. Counties of the third, fourth, fifth and sixth classes not less than $200 nor more than $350. Counties of the seventh and eighth classes, not less than $150 nor more than $300.

1006. **Summer Schools.**

Summer schools may be held in lieu of county institute by one or more county superintendents, when.

1. In any county or counties of the state the county superintendent or superintendents by mutual agreement of such superintendents, acting with the advice and consent of the state superintendent, may hold a summer school for teachers not less than three weeks in length for such county or counties in lieu of an institute or institutes for such year and the board of county commissioners of each county shall appropriate for such summer school support in like sum as is hereinbefore provided for in the case of teachers' institutes.

Appropriation by board of county commissioners.

Course of study for summer schools.

2. It shall be the duty of the state superintendent to prepare and prescribe a course of study for use in such summer schools.

Work of teachers may be credited upon their certificates.

3. Students of summer schools may have such work as is satisfactorily done credited on their certificates. Any teacher presenting a certificate of attendance on any summer school within or without the state approved by the county superintendent may be excused from institute attendance within the county where he may be teaching.

Attending summer school may excuse attending institute.

HeinOnline -- 1913 255 1913

County superintendent shall make and present institute expense account to county commissioners.

When same to be allowed.

1007. **Expenses of Institutes and Summer Schools.** The county superintendent must keep an accurate account of the actual expenses of summer schools or institutes, with vouchers for the same, and present the bill to the county commissioners, who shall allow the same; provided, that such amount shall not exceed the sum specified as hereinbefore provided.

CHAPTER XI.

Compulsory Attendance.

Parents and guardians shall instruct children in what branches, or cause such instructions.

Every person having charge of children between 8 and 14 years of age shall send them to school for full terms of 16 weeks per annum.

Attendance shall commence when.

Except when.

County superintendent may excuse attendance when.

Appeal from decision of superintendent, principal or clerk to district court.

Procedure.

1100. **Compulsory Attendance. Excuses.** All parents, guardians, and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, language, English Grammar, geography, history and civics, physiology and hygiene and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private, or parochial school, for the full time that the school attended is in session, which shall in no case be for less than sixteen weeks during any current year, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city and other districts having such superintendent, or by the clerk of the board of trustees in districts not having such superintendent, or by the principal of the private, or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, or the clerk of the board of trustees in districts not having such superintendent, to teach the branches named in this section; provided, that the county superintendent may excuse children from attendance upon such schools where in his judgment the distance makes such attendance an undue hardship. In case the county superintendent, city superintendent, principal or clerk refuses to excuse a child from attendance at school, an appeal may be taken from such decision to the district court of the county, upon giving a bond, within ten days after such refusal, to the approval of said court, to pay all costs of the appeal, and the decision of the district court in the matter shall be

HeinOnline -- 1913 256 1913

final. All children between the ages of fourteen and sixteen years, not engaged in some regular employment, shall attend school for the full term during which the school of the district in which they reside are in session during the school year, unless excused for the reason above named. Any parent, guardian or other person having the care of or custody of a child between the ages of eight and fourteen years, who shall fail to comply with the provisions of this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Five Dollars nor more than Twenty Dollars.

Unemployed children between 14 and 16 years of age compelled to attend school, except when.

Failure of parents, guardians, et al, to comply with section a misdemeanor.

Penalty.

1101. **Employment of Children Under Fourteen Prohibited.** No child under fourteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved by the superintendent of schools or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of trustees in districts not having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in Section 1100 of this Chapter; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read intelligently and write legibly the English language. The age and schooling certificate shall be formulated by the superintendent of public instruction and the same furnished, in blank, by the clerk of the board of trustees. Every person, company, or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon the request of the truant officer hereinafter provided for, permit him to examine such age and schooling certificate. Any person, company or corporation, employing any minor contrary to the provisions of this Chapter shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Employment of children under 14 during school term prohibited, except when.

Age school certificate to be approved by whom, and when.

Age school certificates to be formulated by superintendent of public instruction.

Employers to require age school certificate and post same, as a condition of employment, etc.

Penalty for employing any minor contrary to provisions of this section.

1102. **Employment of Children Between Fourteen and Sixteen.** All minors over the age of fourteen and

Minors between 14 and 16 years old who cannot read and write compelled to attend school.

HeinOnline -- 1913 257 1913

under the age of sixteen years, who cannot read and write the English language shall be required to attend school as provided in Section 1100 of this Chapter, and all provisions of said section shall apply to said minors; provided, that such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools in districts having superintendents, or the clerk of the board of trustees in districts not having superintendents, that they can read, and write the English language. No person, company, or corporation, shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided. Every person, company or corporation violating the provisions of this section, shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Except when.

Employing such minors forbidden.

Penalty for violating provisions of section.

Truant officers shall be appointed and employed.

1103. **Truant Officers. Powers and Duties.** To aid in the enforcement of this Act, truant officers shall be appointed and employed as follows: In districts of the first and second classes the board of trustees shall appoint and employ one or more truant officers; in districts of the third class, the trustees shall appoint if they deem it advisable, a constable or other person as truant officer; in districts not appointing a truant officer, it shall be the duty of the county superintendent to act as truant officer. The compensation of the truant officer shall be fixed and paid by the board appointing him. The truant officer shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores, and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise to enforce the provisions of this chapter; he is also authorized and it shall be his duty to take into custody the person of any youth between eight and fourteen years of age, or between fourteen and sixteen years of age when not regularly employed or when unable to read and write the English language, who is not attending school, and shall conduct said youth to the school he has been attending, or which he should rightfully attend. The truant officer shall institute proceedings against any officer, parent, guardian, person, or corporation, violating any provisions of this chap-

In districts of 1st and 2d class.

In districts of 3d class.

When county superintendent shall act as such officer.

Compensation of truant officers how fixed and paid.

Powers and authority.

Duty to institute proceedings against any one violating any of the provision of this chapter.

HeinOnline -- 1913 258 1913

ter and perform such other services as the superintendent of schools or the board of trustees may deem necessary to preserve the morals and secure the good conduct of school children and to enforce the provisions of this chapter. The truant officer shall keep a record of his transactions for the inspection and information of the superintendent of the schools and the board of trustees; and he shall make daily reports to the superintendent of schools during the school term in districts having superintendents, and to the clerk of the board of trustees in districts not having superintendents as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of trustees.

To keep record of his transaction.

Daily reports.

1104. **Duties of Prinicipals. Teachers and Clerks.** It shall be the duty of all principals, and teachers of all schools, public, private and parochial, to report to the clerk of the board of trustees of the district in which the schools are situated, the names, ages, and residence of all pupils in attendance at their schools, together with such other facts as said clerk may require, in order to facilitate the carrying out of the provisions of this chapter and the clerk shall furnish blanks for such purpose, and such report shall be made during the last week of each month from September to June inclusive, of each year. It shall be the further duty of such principals and teachers to report to the truant officer, the superintendent of public schools, or the clerk of the board of trustees, as the case may be, all cases of truancy or incorrigibility in their respective schools as soon after these offenses have been committed, as practicable.

Duty of principals, teachers and clerks of all schools, public, private or parochial, to report to clerk of school board, what, monthly.

Clerk to furnish blanks.

Also to report all cases of truancy and incorrigibility.

1105. **Prosecution of Truants.**—On request of the superintendent of schools, or the board of trustees, or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy or non-attendance within his district, and warn said truant or non-attendant and his parent, guardian, or other person in charge, in writing, of the final consequence of truancy or non-attendance if persisted in. When any child between the ages of eight and fourteen years or any child between the ages of fourteen and sixteen years who cannot read and write the English language, or who is not regularly employed, is not attending school in violation of the provisions of this chapter

Truant officer, upon request, to examine into any case of truancy or none attendance, and, in writing, warn persons concerned.

Truant officer shall notify parties responsible for child of non-attendance, and require attendance.

HeinOnline -- 1913 259 1913

Duty of parents and guardians to cause attendance.

the truant officer shall notify the parent, guardian or other person in charge of such child, of the fact, and require such parent, guardian or other person in charge, to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian, or other person in charge of the child, so to cause its attendance at some recognized school. Upon failure to do so the truant officer shall make complaint against the parent, guardian or other person in charge of the child in any court of competent jurisdiction in the district in which the offense occurs, for such failure, and upon such conviction, the parent, guardian, or other person in charge shall be fined not less than five dollars, nor more than twenty dollars, or the court may in its discretion, require the person so convicted to give bond in the penal sum of one hundred dollars, with sureties, to the approval of the court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within two days thereafter and to remain at such school during the term prescribed by law; and upon the failure or refusal of any parent, guardian, or other person to pay said fine and costs or furnish said bond according to the order of the court, then said parent, guardian or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days.

When truant officer shall make complaint against parents, et al.

Penalty upon conviction.

Court may require bond to guarantee attendance of child.

When convicted party shall be imprisoned.

Who shall be deemed a juvenile disorderly person.

1106. **Juvenile Disorderly Persons.** Every child between the ages of eight and fourteen years and every child between the ages of fourteen and sixteen years unable to read and write the English language, or not engaged in some regular employment and who is an habitual truant from school, or who absents itself habitually from school, or who while in attendance at any public, private, or parochial school, is incorrigible, vicious, or immoral, in conduct, or who habitually wanders about the streets and public places during school hours, having no business or lawful occupation, shall be deemed a juvenile disorderly person and be subject to the provisions of this chapter.

When truant officer shall make complaint that child is a juvenile disorderly person.

1107. **Commitment to Industrial School.** If the parent, guardian, or other person in charge of any child, shall upon the complaint under the last section for a failure to cause the child to attend a recognized school, prove inability to do so, when he or she shall

HeinOnline -- 1913 260 1913

be discharged and thereupon the truant officer shall make complaint that the child is a juvenile disorderly person within the meaning of Section 1106 of this Chapter. If such complaint is made before any Mayor, Justice of the Peace or Police Judge, it shall be certified by such Magistrate to the district court in and for the county in which the child resides or to a judge of said district court. The district court or the judge thereof to whom the same is certified shall hear such complaint and if it be determined that the child is a juvenile disorderly person within the meaning of Section 1106 of this Chapter, the said child shall be committed by the said court, or the judge thereof to whom the complaint was certified, to the industrial school hereinafter provided for, where he shall be subject to all rules and regulations of said industrial school; Provided, further, that if for any cause the parent, guardian, or other person in charge of any juvenile disorderly person as defined in Section 1106 of this Chapter shall fail to cause such juvenile disorderly person to attend school, then complaint against such juvenile disorderly person shall be made, heard and determined in like manner as provided in case the parent proves inability to cause such juvenile disorderly person to attend school.

When complaint shall be certified to the district court.

Duty of court when complaint is sustained.

Child to be sent to the industrial school, when.

Proviso.

1108. **Pauper Children.** When any truant officer is satisfied that any child, compelled to attend school by the provisions of this chapter is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support, or care for others legally entitled to its services, who are unable to support or care for themselves, or who are unable to attend school because of some physical ailment, the truant officer shall report the case to the authorities charged with the relief of the poor, and it shall be the duty of said officers to afford such relief as will enable the child to attend school the time each year required under the provisions of this chapter. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. In case the child or its parents or guardians, refuses or neglects to take advantage of the provisions thus made for its instruction, such child may be committed to the industrial school hereinafter provided for. In all cases where relief, including books,

Duty of truant officer to report to authorities children unable to attend school on account of poverty.

Duty of officers in charge of the poor to afford relief enabling child to attend school.

If child or its parents reject offered relief the child to be placed in the industrial school.

HeinOnline -- 1913 261 1913

Duty of trustees to furnish necessary relief free of charge.

medical aid and clothing, is necessary it shall be the duty of the board of trustees to furnish such aid free of charge and said board of trustees may furnish any further relief it may deem necessary, the expense incident to furnishing said books, medical aid, clothing and further relief to be paid from the general fund of the school district.

CHAPTER XII.

School Libraries.

Library fund created.

1200. **Library Fund.**—A Library fund is hereby created, and the board of school trustees must expend the library fund together with such moneys as may be added thereto by donation, in the purchase of books for a school library, including books for supplementary work; Provided, that in school districts in which a free public library is maintained such library fund may, in the discretion of the board of trustees, be used for the payment of the current expenses for maintenance of the schools.

Duty of trustees regarding purchase of library books.

Proviso: in districts in which free public libraries are maintained.

Library fund in districts of third class, limited, per annum.

1201. **Districts of Third Class.**—In districts of the third class, the library fund shall consist of not less than five nor more than ten per cent of the county school fund annually apportioned to the district; Provided, that if such ten per cent exceed fifty dollars, fifty dollars only shall be apportioned to the district.

Amount of library fund in districts of the first and second class, per annum.

1202. **Districts of the First and Second Classes.**—In districts of the first and second classes the library fund shall consist of a sum not to exceed fifty dollars for every five hundred children or major fraction thereof, between the ages of six and twenty-one years, annually taken from the general school fund of the county apportioned to such district.

Library to be under control of board of trustees, and located, where.

1203. **Location and Control of Libraries.**—The library shall be under the control of the board of trustees and must be kept, when praticable, in the school house, and shall be for the use of the pupils and all residents of the district.

Trustees liable for care of, and shall make rules and regulations for library, excepting what rules.

1204. **Rules. Reports.**—The trustees shall be held accountable for the proper care and preservation of the library, and shall make all needful rules and regulations not provided for by the superintendent of public instruction, and not inconsistent therewith; and

Annual report concerning.

they shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for the purpose by the superintendent

HeinOnline -- 1913 262 1913

of public instruction.

1205. **Selection of Books.**—All books shall be selected by the county superintendent and school trustees, acting together, from lists approved by the superintendent of public instruction. It shall be the duty of the county superintendent in his visits to inspect the library and to make such suggestions regarding its use and care as he may deem advisable. It shall be the duty of the superintendent of public instruction to formulate rules and regulations for the school libraries and furnish to the county superintendent from time to time such instruction and information as will make the use of the library most effective.

Books to be selected by whom, and from what lists.

Inspection of libraries by county superintendent.

Library rules and regulations to be formulated by state superintendent of public instruction.

CHAPTER XIII.

Legal Holidays.

1300. No school shall be in session on a legal holiday. The days which shall be recognized as legal holidays are Labor Day, (the first Monday in September), Columbus Day (October 12), State and National Election Day, Thanksgiving Day, Christmas Day, New Years Day, Lincoln's Birthday (February 12), Washington's Birthday (February 22), Memorial Day (May 30), Independence Day (July 4) and other days that may hereafter be designated as legal holidays by the legislature or governor.

Schools shall not be in session on legal holidays. Days designated as legal holidays.

CHAPTER XIV.

Special Days Not Holidays.

1400. **Pioneer Day.**

1. **Date of**—The first Monday of November of each year shall be designated and known as Pioneer Day in the State of Montana.

Pioneer day designated.

2. **Exercises in Public Schools.**—On said Pioneer Day in the public schools the afternoon thereof shall be devoted to the study and discussion of pioneers and pioneer history of the region of country now comprising the State of Montana.

Exercises and studies on afternoon of pioneer day.

3. **Pioneer Medal.**—The state board of education is hereby authorized to award annually its pioneer medal to the student of the public schools or state institutions who shall on said day deliver the best essay on such subject of pioneer history, having regard to historical research and literary merit.

Annual pioneer medal by state board of education authorized.

4. **Copies of Essays to be Deposited with State Historical Library.**—Copies of such essays shall be filed by the said state board of Education with the libra-

Copies of school essays on pioneer history to be deposited when.

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rian of the historical and miscellaneous department of the state library.

Duty of superintendent of public instructions to prescribe pioneer day course of exercises.

5. **Courses of Exercises.**—The superintendent of public instruction shall have power and it shall be its duty to prescribe from year to year a suitable course of exercises to be observed in the public schools of the State on Pioneer Day.

1401. **Tree Planting.**

Arbor day designated.

1. **Date of.**—The second Tuesday of May in each year shall be known throughout the State of Montana as Arbor Day.

School Arbor day exercises.

2. **Arbor Day Exercises.**—In order that the children in our public schools shall assist in the work of adorning the school grounds with trees, and to stimulate the minds of the children toward the benefit of preservation and perpetuation of our forests and the growing of timber, it shall be the duty of the authorities in every public school district in the state to assemble the children in their charge on the above day in the school building or elsewhere, as they may deem proper, and to provide for and conduct under the general supervision of the city superintendent, county suprintendent, teachers and trustees or other school authorities having the general charge and oversight of the public schools in each city or district, to have and hold such exercises as shall tend to encourage the planting, preservation and protection of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

Duty of school authorities to assemble the children on Arbor day and hold exercises regarding planting, etc., of trees and shrubs and preservation thereof.

Superintendent of public instruction authorized to, annually prescribe Arbor day exercises.

3. **Course of Exercise.**—The superintendent of public instruction shall have power to prescribe from year to year a course of exercises and instruction in the subject hereinbefore mentioned, which shall be adopted and observed by the said public school authorities on Arbor Day.

CHAPTER XV.

City superintendent of Schools.

Superintendents of schools may be appointed in what districts.

1500. **City Superintendent of Schools.**—In districts of the first and second class the board of trustees of such districts may appoint a superintendent of schools of the district. He shall be appointed for such term, not exceeding three years, as the Board may deem proper and be paid such salary from the general school fund as is fixed by the board of trustees; Provided, that after his second successive employment he shall

Term of appointment and salary.

HeinOnline -- 1913 264 1913

be deemed elected from term to term of three years each thereafter, unless the board of trustees shall by a majority of the votes of its members give notice to such superintendent on or before the first of February of the last year of the term of his employment that his services will not be required for the ensuing term.

After second appointment he shall be deemed elected from term to term, unless notice is given as herein designated.

1501. **Qualifications.**—The person appointed to such position shall be a holder of a state certificate of the highest grade, issued in some state, or a graduate of some reputable university, college or normal school, and shall have taught in public schools at least five years.

Qualification of superintendent of schools required.

1502. **Duties.**—The superintendent shall have supervision of the schools of the district under the supervision of board of trustees. He shall be the executive officer of the board and shall perform such duties as the board of trustees may prescribe.

Duties and office.

1503. **Certain Employment Prohibited.**—No city superintendent shall engage in any work that will conflict with his duties as superintendent.

Not permitted to engage in work conflicting with official duties.

CHAPTER XVI.

School House Sites.

1600. Whenever, in the judgment of the board of trustees of any school district of the third class, it is desirable to select, purchase, exchange or sell a school house site, or whenever petitioned so to do by one-third of the voters of such district, the district board, shall without delay call a meeting at some convenient time and place fixed by the board, to vote upon such question of selection, purchase, exchange or sale of school house site. Such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices giving the time, place, and purpose of such meeting shall be posted in three public places in the district by the clerk at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote decide to select, purchase, exchange or sell the school house site, the board shall carry out the will of the voters thus expressed; Provided, that it shall require the concurrence of a majority of the voters of the district to order the change of a school house site, and any sites so changed cannot again be changed within three years from the date of such action.

When board of trustees shall call meeting to determine questions of selecting, purchasing, exchanging or selling school house site.

How election to be conducted and votes convassed.

Posting of notice of meeting for election.

If majority vote in affirmation duty of board of trustees.

Majority of votes of district necessary.

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Where site shall be selected.

The school site shall be selected in a place that is convenient, accessible, suitable, and well drained, provided that in districts of the first and second class the site shall be not less than one-half of an average city block, and in districts of the third class shall contain not less than one acre. The State Board of Land Commissioners shall have authority to sell to any School district at the appraised value or to lease for any period of time less than ninety-nine years, at a rental of One Dollar per year any tract of State land not exceeding ten acres, to be used for school house site.

Size of site in 1st and 2nd class districts.

In 3d class districts.

State board of land commissioners have authority to sell or lease land for school site.

Plans for erecting, repairing or enlarging school buildings shall be submitted to state board of health and approved by it, when.

1601. **Architecture.**—No school house shall hereafter be erected, repaired, or enlarged in any school district of the State at an expense which shall exceed Five Hundred ($500.00) Dollars, until the plans and specifications thereof shall have been submitted to the State Board of Health, and its approval endorsed thereon; Provided, that districts of the second and third class shall also have the approval of the superintendent of public instruction. Such plans and specifications shall show in detail the ventilation, the heating and lighting of such building.

Proviso regarding districts of 2d and 3d class.

Details to be shown in plans and specifications.

When board of health shall not approve plans.

1602. **Floor Space. Air. Light.**—The board of health shall not approve plans for the erection of any school building or addition thereto or remodeling thereof, unless the same shall provide, (a) at least fifteen square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein; (b) at least thirty cubic feet of pure air per minute per pupil shall be furnished by a satisfactory ventilating system, which should also provide means for exhausting the foul or vitiating air from the room.

The light shall come from the left or from the left and rear of each school room, and the window space shall be not less than one-seventh of the floor space of each room.

Certified statement of state board of health of its approval shall be furnished county treasurer before settlement.

1603. **Penalties.**—The county treasurer shall not make any payments on any contract arising under the provisions of this chapter until the contractor furnishes a certified statement signed by the State Board of Health that the plans and specifications of the school building to be erected or remodeled, have been fully approved by the State Board of Health.

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Suggestive plans of school buildings to be furnish by board of health to whom.

1604. **Suggestive Plans.**—It shall be the duty of the State Board of Health to furnish to all districts of the third class suggestive plans for school buildings to be erected in conformity with the above rules.

Vestibules required when.

1605. **Vestibules.**—No one and two room school houses shall be erected without a vestibule of reasonable size.

In districts of the 3d class duty of board regarding cleaning of school rooms.

1606. **Care of School Houses.**—It shall be the duty of boards of trustees in districts of the third class to require that the school room or rooms shall be thoroughly scrubbed and cleaned, including the floors, interior wood work and windows, at least once every three months.

Water supply and toilets to be approved by board of health.

1607. **Water Supply and Toilet Accommodations.**—The board of trustees shall furnish such water supply and toilet accommodations as shall be approved by the State Board of Health.

CHAPTER XVII.

Industrial Education.

1700. **Provisions.**

Course of study in all public schools may include manual and industrial training.

1. Elementary manual and industrial training which shall include industrial art may form a part of the required course of study in all grades of the public schools of the state of Montana. The superintendent of public instruction shall formulate a course of study, or he may approve courses of study formulated by local school officials, which meet the requirements of this section. The clerk of each school district in his annual report to the county superintendent shall state whether the above provisions have been complied with within the schools of his district.

Course of study to be formulated by whom.

Annual report of school clerk shall state what regarding above provisions.

What districts may maintain manual training schools.

2. All school districts having a population of more than five thousand shall, and districts of less population may, maintain at least one manual training school suitably equipped and designated to furnish manual and industrial instruction to pupils who are above the fifth grade. Said schools shall furnish instruction in elementary wood, metal and textile work; in mechanical and industrial drawing; and in communities where applicable in agriculture, mineralogy, and technical mining; and for girls above the first grade, instruction in household management, decoration and economics, and in needlework. They shall also include instruction in industrial history and geography; and in the industrial materials; processes, and products with spe

Instructions to be furnished by such schools.

HeinOnline -- 1913 267 1913

cial reference to the industrial pursuits of the communities in which they are situated.

Courses to be presented.

The courses to be presented in these schools shall provide:

1. A general culture, intelligence and skill for those pupils whose school attendance will end with the elementary or secondary grades; and

2. A progressive development designed to prepare directly for efficient work in the related technical and scientific courses of the higher institutions of learning.

Courses to be modified how.

The courses shall be modified to meet in the largest measure the needs of each class of pupils.

Other courses may be provided.

Nothing in this section shall be understood as forbidding any school from using other materials than those herein specified nor as preventing a different assignment of work by grades, provided that all courses shall have the approval of the state board of education.

State board of education must first approve all courses.

Qualifications of teachers required.

Teachers of such schools shall have had special preparation for such instruction and shall be holders of Special Manual Training Teachers' Certificates, which the superintendent of public instruction is hereby empowered to grant, when satisfied that the applicant has received a sufficient general education and the professional and technical preparation necessary for such manual and industrial training.

In what districts there shall be and these in which special courses may be maintained in connection with manual training, etc.

3. In all school districts having a population of over Ten Thousand, there shall be, and in school districts of less population, there may be maintained schools of special courses in connection with manual training, or city or county high schools, designed to furnish a direct vocational training, including training in agricultural pursuits and mining for which there shall be a local demand. Classes shall be formed when not less than twenty applicants desire instruction in any vocation. Pupils who have reached the age of twelve years and who have completed not less than the general school work assigned to the first five grades may be admitted to these courses upon such terms as the board of trustees of the district may prescribe; pupils above the age of fourteen, together with adults may be admitted to evening classes, providing similar instruction upon such terms of admittance as the trustees may prescribe, provided that there shall in no case be any charge for tuition. Teachers of such classes shall be

Classes for special courses shall be formed.

Pupils who may be admitted to such courses.

Who may be admitted to evening classes.

Tuition shall be free.

HeinOnline -- 1913 268 1913

holders of special certificates issued by the superintendent of public instruction, specifying the subject or subjects which the holder is entitled to teach. Applicants for such certificates must present satisfactory evidence not only of general educational qualifications, but of special training and practical experience in the vocations, which they are to teach.

Qualification of teachers.

Applicants for special course certificates required to show what.

4. The trustees of any district are hereby empowered to use moneys from the general school fund of the district for the maintenance of Manual and Industrial Schools and courses the same as for other school purposes; Provided, that the state treasurer shall pay annually from any funds in his possession not otherwise appropriated Ten ($10.00) Dollars to each district for each person attending such Manual and Industrial courses for a period of six months or more yearly; Provided, further, that the state treasury shall likewise pay annually to any County High School which maintains a Manual Training Department, from any funds in the state treasury, not otherwise appropriated, the sum of Ten ($10.00) Dollars for each child or student attending the Manual Training Department in such County High School for a period of six months or longer yearly. Buildings and furnishing and equipment for Manual and Industrial Training shall be provided in the same manner as now prescribed for the erection and furnishing of buildings for other school purposes.

Funds which may be used for manual and industrial schools.

State treasurer to pay $10 to such schools for each pupil attending same for a period of six months.

State treasurer to pay like sum to any county high school maintaining a manual training department.

How buildings, furnishing and equipment for such schools are to be supplied.

5. To secure an efficient administration of this act the State Board of Education shall determine whether such Manual and Industrial schools and courses meet the provisions of the law. Such schools as do not meet the provisions of this Act shall not be entitled to state aid until all defects are remedied.

Power of state board of education to secure effectual administration of this act.

CHAPTER XVIII.

Text Books.

1800. **Appointment of State Text Book Commission.** The governor is hereby authorized to nominate and appoint a state text book commission consisting of seven members, five of whom shall be persons actively engaged in public school work of the state or in state educational institutions at the time of their appointment. The terms of the members of said commission shall be for a period of five years each. If a vacancy occurs during the terms of any of the members, of said commission by reason of death, resignation or other-

Governor to appoint a state text book commission to be composed of whom.

Terms of the members of commission.

HeinOnline -- 1913 269 1913

Governor to fill vacancies by appointment.

wise, the governor shall make appointment to fill such vacancy and the person so appointed shall hold office until the expiration of the term for which the person he succeeds was appointed.

Oath of office and organization of commisson.

1801. **Organization of Commission.** The commission at its meeting shall organize by taking the constitutional oath of office, which oath shall be filed in the office of the secretary of state; electing from among the members a president and secretary and formulating rules for its government. Five members shall constitute a quorum for the transaction of all business. All votes cast for or against the adoption of any text-books shall be recorded in the minutes of the commission, together with the names of those voting for or against such adoption; Provided, that all meetings shall be opened to the public and that said commission must make a full report to the governor not later than the first Monday in November next preceding any regular or special meeting of the Legislature.

Officers to be elected.

Quorum.

Votes of members on the adoption or rejection of any text book shall be recorded in the minutes of the commission.

Meetings to be public and commission to give full report to Governor.

Place where and time when commission shall meet.

1802. **Meetings of Commission.** The state text book commission shall meet in the state capital in the City of Helena, on the third Monday in January, 1917, and every second year thereafter, and the president of said commission shall call a meeting thereof on the first Monday of October, 1916, and every second year thereafter for the purpose of considering in what subjects, if any, as hereinafter provided, text-books shall be changed, and expiring contracts extended; Provided, that changes shall not be made in the text-books of more than three subjects at any meeting.

When the president shall call a meeting of the commisson, and subsequent meetings.

Number of changes which may be made at any one meeting.

He must call a meeting, upon 10 days written notice by the secretary to receive proposals and enter into contracts, etc., when

He must also upon ten days' written notice to the members to be given by the secretary, call a meeting of the commission at any time to receive proposals and to enter into contracts with publishers for supplying text-books whenever contracts for certain books heretofore entered into become terminated by recission or otherwise cease to be in full force and effect, and to adopt additional supplementary books whenever it is deemed for the best interests of the schools of the state. Said text-book commission may adjourn from day to day until it shall have made adoptions as provided for in this chapter. The session of said commission shall not continue beyond six actual days, and nothing herein contained shall be so construed as to have any reference to the provisions of this Act relat-

May adjourn from day to day.

Limit to length of session.

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ing to school libraries.

Duty of superintendent of public instruction regarding advertisement for contracts to furnish books.

1803. **Contracts for Supplying Text-Books.** Beginning with November first, 1916, and every second year thereafter, the superintendent of public instruction shall, if any changes have been recommended, advertise for thirty days in two daily newspapers in this state, giving notice that the text-book commission will meet, as herein provided, and that they will receive sealed proposals up to twelve o'clock noon, of said third Monday in January next following, for supplying the State of Montana with such basal and supplementary text-books as the commission have considered desirable to be changed, for use in all the public schools of said state, for a period of six years from and after the first day in September, 1917; and all contracts under this Act shall further provide that they may be extended after their expiration at the option of the commission, and at not to exceed the schedule of prices agreed upon therein: and the contracts in existence at the time of the passage of this Act may be extended after expiration for not to exceed four years, at the option of the commission, and at not to exceed the schedule or prices agreed upon therein. The commission shall make contracts for text-books in the following branches, to-wit: Reading, spelling, writing, arithmetic, geography (elementary and advanced), language and grammar, physiology and hygiene, civil government (state and national), history of the United States (elementary and advanced.)

Books to be used for what period.

What contract shall provide.

Existing contracts may be extended for what period.

Contracts for text books may be made for branches named.

Said commission are hereby empowered to adopt such other text books supplementary to the basal text-books above referred to, as they may deem advisable. Said sealed proposals shall be addressed to the chairman of the state text-book commission, Helena, Montana, and shall be indorsed "Sealed proposals for supplying text-books for use in the State of Montana." Said proposals shall state the net wholesale prices at which the publishers whose books may be adopted by the text-book commission, will agree to deliver the same, F. O. B. text-book depositories in Montana, and to merchants or to school districts purchasing the same. They shall also state the introductory price without exchange, and the exchange price for new books adopted in exchange for the old books in the hands of the pupils, and for the new books in the hands of the

What other books commission may adopt.

Sealed proposals, requirements of.

HeinOnline -- 1913 271 1913

districts or dealers, which may be displaced, grade for grade; Provided that when pupils own their books they may exchange one of a lower grade for one of a higher; and shall further state the retail price at which they will keep all the text-books so adopted on sale uniformly in at least one place in each county throughout the state. Whenever any contract shall be terminated by recission, or shall otherwise cease to be in force and effect, the text-book commission shall, within ten days after the termination of such contracts, advertise in the same manner and for the same length of time as elsewhere mentioned in this section for proposals to furnish text-books on the same subject as those embraced within such contract for the same length of time, and bids shall be received in the same manner as hereinbefore provided. The publishers contracting and agreeing to supply text-books for use in the State of Montana under the provisions of this Act, shall cause to be prepared a special map and special supplement descriptive of Montana for the geography adopted by said commission. They shall also cause to be prepared a special supplement for Montana for the civil government adopted, which supplement shall contain not less than one hundred pages. They shall further agree to maintain the mechanical excellence of the books adopted by said commission fully equal to the samples submitted in binding, quality of paper, and other essential features.

Duty of text book commission when any contract expires or terminates.

Special map and supplement descripton of Montana to be prepared by whom and when.

Montana supplement to the civil government adopted by commission.

To agree further.

When and how the commission shall select and adopt school text books.

1804. **Selection of Text-Books.**—It shall be the duty of said text-book commission to meet at the time and place mentioned in said notice and open sealed bids in the presence of a quorum of said commission, and in public, to select and adopt such text-books, both basal and supplementary for use in all the public schools of this state. The text-book so selected and adopted by said text-book commission, shall be certified to by the chairman and secretary, and said certificate, with a copy of all the books named therein, shall be placed on file in the office of the superintendent of public instruction. Such certificate must contain a complete list of all books adopted by said commission, giving the wholesale, retail, introductory, and exchange prices for which each kind and grade will be furnished, as provided in the preceding section, and the name of the publishers contracting to furnish the same. The said books named in said certificate shall for such period as

Chairman and secretary shall certify to books adopted, which, with copies of all books named shall be filed where.

What certificate shall contain.

Books adopted to be used in all public schools in state

HeinOnline -- 1913 272 1913

is provided in the contract or extension thereof from and after the first day of September of the year in which they are adopted be used in all public schools of the state to the exclusion of all others. Provided, that nothing in any part of this act shall be so construed as to prevent the purchase or use by any district of any reference books for use in any of the schools of the state.

Other books for reference may be purchased by any district.

1805. **Contracts and Agreements.**—The said text-book commission shall have power to make contracts and agreements for the use and supply of text-books in the name of the state as they shall deem necessary for the best interest of the public schools of the state, and shall require of all publishers contracting and agreeing to furnish books adopted by the said text-book commission, bonds equal in amount to one-half the value of the books to be furnished, conditioned that upon the failure on the part of such publishers to comply with the terms of such contracts or any part thereof, in any county of the state, upon notice being given as provided for herein, said bonds may by the governor of the State of Montana, be declared forfeited, and actions brought in the name of the state upon such bonds to recover the full amount named therein which amount shall be deemed to be fixed and liquidated damages for the breach of such contracts; Provided, that the text-book commission may, at their discretion, reject any and all proposals if it be deemed by them to be to the interest of the state so to do, and they shall advertise for new proposals, stating the time when such new proposals will be received by them, not later, however, than thirty days from the rejection of the first proposals; Provided, further, that the contract price of such books F. O. B. depositories in Montana, allowing difference for freight, shall not exceed the lowest wholesale price charged for the same books to any other state of the United States.

Commission shall have power to make contrats in name of state for what.

May require contractors to give bonds.

When governor may declare bonds forfeitted and bring action thereon.

May reject any and all bids, when.

Shall advertise for new proposals, when.

Contract price shall not exceed lowest wholesale price charged any state in the United States.

1806. **Bond for Performance of Contracts.**—The contract with the publishers shall take effect only when the publishers of the books adopted by the said text-book commission shall have filed with the secretary of state their bond, with at least two sufficient sureties, to be approved by the governor in such sum as shall be determined, by said text-book commission conditioned, that they shall comply with the terms of their

Contractors bond to be given before contract to take effect.

Amount and condition.

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proposal to the state and such conditions as may be agreed upon between said text-book commission and the publishers contracting with the state.

When contract and adoption of books shall become null and void.

1807. **Forfeiture of Contract for Non-Performance.**—In case the publishers of the books adopted by the said text-book commission shall not on or before the 15th day of February, of the year in which the text-books are to be adopted have filed with the secretary of state their bond as hereinbefore provided, on or before the 15th day of February of said year, or in case they shall not on or before the 15th day of June of said year have performed all the obligations of their contracts with respect to the exchange and introduction of books and the preparation and supply of the special maps, and the special descriptive matter for the geography so adopted, or the special supplement for the civil government, or in case they shall at any time thereafter violate or fail to perform any of the conditions specified in their bond as hereinbefore provided, and shall fail within reasonable time after due notice has been given by the governor to make good their guarantee in any respect in which they may have failed, then this adoption shall become null and void. The said text-books adopted by the said text-book commission under this Act and upon compliance of the publishers of the conditions aforesaid shall continue in use for the period of not less than five years from the first day of September of the year above mentioned to the exclusion of all others except as herein otherwise provided.

Text books adopted under this act, when three publishers complies with the conditions aforesaid, shall continue in use for the period of five years.

State superintendent shall cause prices of all books adopted to be printed and distributed, when and to whom.

1808. **Price List of Books to Be Printed and Distributed.**—Whenever the publishers of the books adopted under the provisions of this bill, shall have filed their bonds as hereinbefore provided, it shall be the duty of the state superintendent of public instruction to cause all prices of the text-books as guaranteed by the publishers to be properly printed and distributed through the county superintendents to the trustees of all school districts in the state, who shall cause the same to be kept constantly posted in a conspicuous place in each school room in their districts, and it shall be the duty of the several county superintendents to keep themselves informed as to whether such prices are actually maintained by the said publishers, and at once notify the superintendent of public instruction of the violation of the contracts entered into by virtue of the au-

To be constantly kept posted in each school room.

Duty of county superintendents concerning the maintaining of prices.

HeinOnline -- 1913 274 1913

thority contained in this Act, which may come to their knowledge, and it shall be the duty of the superintendent of public instruction to promptly communicate such information to the governor.

Duty of superintendent of public instruction.

1809. **Penalty for Using Other Than Selected Books.** Any school officer, teacher or trustee, who shall use or provide for the use in the public schools of the state, text-books other than those adopted by the said text-book commission, except as herein otherwise provided, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Misdemeanor for school officer or teacher to use or provide for use of other books in any public school.

Penalty.

1810. **Annual Report as to the Use of Books.**—All county superintendents and all school officers are charged with the execution of this law, and the county school superintendent shall require the trustees of the several school districts or the clerks thereof, to report annually whether or not the authorized text-books are used in their schools.

District trustees shall be required to annually report to county superintendent whether authorized books are used in their schools or not.

1811. **Election Upon Proposition to Supply Free Text-Books.**—Upon the petition of five legal voters of any school district other than in incorporated cities, and upon petition of one hundred legal voters in incorporated cities, towns, and villages, filled with the board of trustees or board of education, it shall be the duty of the board of trustees or board of education as the case may be, to notify the voters of such school district that an election "for" or "against" free text-books will be held at the next ensuing election for the members of the board of trustees or board of education, and the ballots to such effect shall be received and canvassed at such election, and if a majority of all votes cast in the district shall be found to be in favor of free text-books, it shall be the duty of the board of trustees or board of education, as the case may be, to purchase at the expense of such district all the text-books required for use of all pupils attending school in such school district, and said text-books shall be loaned to the pupils of said public schools, free of charge, subject to such rules and regulations, as to care and custody, as the board of trustees or board of education shall prescribe; Provided, that the pupils may purchase at cost any of the text-books to be furnished, when desired by them.

Duty of trustees of county board of education to give notice when petition filed, that an election will be held at next school election whether or not district will supply free text books.

How ballots are to be received and canvassed at such election.

When it shall be the duty of board of trustees to purchase books at expense of district.

Books to be loaned to pupils free of charge.

1812. **Special Levy to Provide Free Text-Books.**—

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County commissioners shall levy tax to purchase free books, when.

That for the purpose of raising money to pay for school books, which may be furnished to the pupils free of charge by any district adopting free text-books, a special levy upon the taxable property of such district, shall be made by the county commissioners of the district, if the money received from the general fund from the district be insufficient, and said levy shall be made within thirty days from and after the adoption of said free text-books in any district that has by a majority vote adopted the same, and when made the tax levied shall be collected in the same manner as other taxes are collected; Provided, further, that any district that shall furnish free text-books shall have the right, through its board of trustees, to adopt supplementary books within the meaning of this Act, when such adoption has been authorized by a two-thirds vote of the trustees of said district.

When levy to be made.

How taxes shall be collected.

When district may adopt supplementary books.

1813. **Compensation of Text-Book Commissioners.**—The members of said text-book commission provided for by this Act, shall receive the sum of $6.00 per diem for each day necessarily engaged in transacting business and while in session, and actual traveling expenses; and there is hereby appropriated the sum of one thousand dollars per year, or so much thereof as may be necessary to carry out the provisions of this Act; Provided, that said commission shall not be in session more than ten days in any one year.

Compensation of state text book commissioners.

Actual traveling expenses.

Appropriation therefor.

Limit of number of days commission may be in session during one year.

CHAPTER XIX.

Industrial Schools.

1900. **Industrial Schools. Where Established.**—In school districts having a population of 25,000 or more, there shall be maintained an industrial school for the purpose of affording a place of confinement, discipline, instruction, and maintenance of children of compulsory school age, who may be committed thereto according to the provisions prescribed in Section 1107.

Industrial schools shall be established where.

Purposes.

1901. **Purchase of Site and Building.**—For the purpose of maintaining such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as is provided for in the case of public schools in such districts; but no school shall be located at or near any penal institution. And it shall be the duty of the board of trustees to furnish such schools with such furniture, fixtures, industrial and other apparatus, and provisions as may be necessary

How sites and buildings may be acquired.

Shall not be located where.

Duty of board of trustees to equip and furnish same.

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for the maintenance and operation thereof.

Employment of principal, teachers and help and prescribing discipline and course of instruction.

1902. **Employment and Regulation of Teachers.**—The board of trustees may also employ a principal and other necessary officers, agents, and teachers, and shall prescribe the methods of discipline and the course of instruction; and shall exercise the same powers and perform the same duties as is prescribed by law for the management of other schools.

Provision concerning religion instruction and training and public service.

No religious instruction shall be given in said school, except as allowed by law to be given in public schools; but the board of trustees may make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children, by arranging, for attendance at public services elsewhere.

Parents shall provide clothing for children.

1903. **Parents to Provide Clothing.**—It shall be the duty of the parent or guardian of any child committed to this school, to provide suitable clothing upon his entry into such school, and from time to time thereafter as it may be needed, upon notice in writing from the principal or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing, the same may be provided by the board of trustees, and such board may have an action against such parent or guardian of said child to recover cost of such clothing, with ten per cent additional thereto.

When clothing may be provided by board of trustees.

Action against parents for same.

Rules and regulations regarding children may return home upon parole.

1904. **Rules and Regulations of School.**—The board of trustees of such district shall have power to establish rules and regulations under which children committed to such industrial school may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under control of the officers and agents of such school and subject at any time to be taken back within the enclosure of such school by the principal or any authorized officer of said school except as hereinafter provided; and full power to enforce such rules and regulations to retake any such child so upon parole is hereby conferred upon said board of trustees. No child shall be released upon parole in less than four weeks from the time of his commitment, nor thereafter until the principal of such industrial school shall have become satisfied from the conduct of such child, that, if paroled, he will attend regularly the public or private school to which he may

Power to enforce rules and retake child upon parole.

When child may be released upon parole.

Paroled child must attend some school regularly.

HeinOnline -- 1913 277 1913

be sent by his parents or guardians, and shall so certify to the board of trustees.

Principal of school attended by any paroled child must report at least monthly to whom.

1905. **Paroled Children.**—It shall be the duty of the principal or other person having charge of the school to which children so released on parole may be sent, to report at least once each month to the principal of the industrial school, stating whether or not such child attends school regularly, and obeys the rules and regulations of said school; and if such child so released upon parole shall be regular in his attendance at school, and his conduct as a pupil shall be satisfactory for a period of one year from date on which he was released upon parol, he shall then be finally discharged from the industrial school, and shall not be recommitted thereto except as hereinbefore provided.

Contents of report.

When paroled child may be finally released.

Paroled child to be taken back to industrial school when.

1906. **Recommitment of Paroled Children.**—In case any child released from school upon parole, as hereinbefore provided, shall violate the conditions of his parole at any time within one year thereafter, he shall upon the order of the board of trustees, as hereinbefore provided, be taken back to such industrial school, and shall not be again released upon parole within the period of three months from the date of such re-entering; and if he shall violate the conditions of a second parole, he shall be re-committed to such industrial school, and shall not be released therefrom on parole, until he shall remain in such school at least one year.

Second parole.

Time when other paroles may be granted.

Incorrigible children may be committed to state reform school, when and how.

1907. **Incorrigibles.**—In any case where a child is incorrigible and his influence in such industrial school is detrimental to the interests of the other pupils, the board of trustees may authorize the principal or any other officer of the school to represent these facts to the district court by petition; and the court shall have power to commit said child to the State Reform School.

Smaller districts may establish and maintain industrial schools after election held for that purpose.

1908. **Industrial Schools in Small Districts.**—The board of trustees in districts having a population less than 25,000 may establish, maintain and operate an industrial school for the purpose hereinbefore specified, and in case of the establishment of such school the board of trustees shall have like power in their respective districts as hereinbefore expressed; Provided, that no board of trustees under this Section shall put this law into effect until submitted to a vote at some general or special election.

1909. **Receiving Pupils From Other Districts.**—

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Children from other districts may be received in industrial schools when and upon what condition.

Boards of trustees in districts where there is established and in operation an industrial school, may if the accommodation permits, receive pupils from other districts who have been committed thereto, upon the payment from the district in which the child resides, at such rate of tuition as the board of trustees may fix.

Penalty of any officer or other person neglecting to perform any imposed duty.

1910. **Penalties and Fines for Neglect of Official Duty.**—Any officer, principal, or other person mentioned in this chapter neglecting to perform any duty imposed upon him by this chapter, shall be fined not less than Twenty-Five ($25.00) nor more than Fifty ($50.00) Dollars, for each offense. Any officer or agent of any corporation violating any provisions of this chapter, and who participates or acquiesces in or is cognizant of such violation, shall be fined not less than Twenty-Five ($25.00) Dollars nor more than Fifty ($50.00) Dollars. Any person who violates any provisions of this chapter for which a penalty is not elsewhere in this chapter provided for, shall be fined not more than Fifty ($50.00) Dollars. Mayors, justices of the peace, police judges, and district courts shall have jurisdiction to try the offenses described in this chapter. When complaint is made, information filed or indictment found against any corporation for violating this chapter, summons shall be served, appearance made, or plea entered, as provided by the laws of Montana, except that in complaint before magistrates, service shall be made by the constable. In all other cases process shall be served, and proceedings had, as in cases of misdemeanor. All fines collected under the provisions of this chapter shall be paid into the funds of the school district in which the offense was committed. Board of trustees are authorized to employ legal counsel to prosecute any case arising under the provisions of the chapter when they shall deem the same necessary, and the services of such counsel shall be paid from the general fund of the district.

Fine where after penalty not prescribed.

Jurisdiction of courts to try offenses.

Procedure when complaint is filed against corporation.

Service of process. Fines to be paid into what fund.

Power of board to employ legal counsel.

Convictions of repeated violations of provisions of chapter.

Penalty.

1911. **Penalties for Repeated Violation of the Chapter.** Every person, who, after being once convicted for violating any of the provisions of this chapter, shall be convicted of again violating any of the provisions of this chapter, may, in addition to the punishment by way of a fine elsewhere provided for, be imprisoned not less than ten days nor more than thirty days. On complaint, before mayor, justice of the peace,

HeinOnline -- 1913 279 1913

Jury in inferior courts.

or police judge of a second violation of this chapter involving punishment by imprisonment, if a trial by jury be not waived, a jury shall be chosen and the case tried, after the manner provided in the laws of Montana.

Duty of trustees to provide sufficient accommodation in all schools.

1912. **Duty of Trustees to Provide Sufficient Accommodations.**—It is hereby made the duty of every board of trustees in this State to provide sufficient accommodations in the public schools for all children in their district compelled to attend the public schools under the provisions of this chapter. Authority to levy tax and raise the money necessary for such purpose, is hereby given the proper officers charged with such duty under the law.

Authority to levy tax.

Officers not liable for costs in prosecutions.

1913. **Cost of Prosecutions.**—No officer or person instituting proceedings under this chapter shall be required to advance money or give security for costs; and if a defendant is acquitted or discharged, or if convicted, and committed to jail in default of payment of fine and costs, the justice, mayor, police judge or district court, before whom such case was brought shall certify such costs to the county auditor, who shall examine, and if necessary correct the account, and issue his warrant to the county treasurer in favor of the respective persons to whom such costs are due for the amount due each.

Duty of court and county auditor regarding payment of costs.

CHAPTER XX.

Finance.

Principal of school funds to remain permanent and irreducible.

2000. **Permanent School Fund.**—The principal of the state school fund shall remain irreducible and permanent. That said fund shall be derived from the following sources,—to-wit: appropriations and donations by the State to this fund; donations and bequests by individuals to the State or common schools; the proceeds of land and (and) other property which revert to the State by escheat and forfeiture; the proceeds of all property granted to the State, when the purpose of the grant is not specified or is uncertain; funds accumulated in the treasury of the State for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, materials or other property from school lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the State which shall be sold by the United States

Sources from which fund is to be derived.

HeinOnline -- 1913 280 1913

subsequent to the admission of the State into the Union as approved by Section 15 of the Enabling Act; the principal of all funds arising from the sale of lands and other property which have been and may be hereafter granted to the State for the support of common schools and such other funds as may be provided by the legislative enactment.

Duty of county commissioners to annually levy a tax of 4 mills on the dollar for support of common schools.

2001. **Common School Levy.**—In addition to the provisions for the support of common schools, hereinbefore provided, it shall be the duty of the county commissioners of each county in the State to levy an annual tax of four mills on the dollar of the assessed value of all taxable property, real and personal, within the county which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected. For the further support of the common schools, there shall also be set apart by the county treasurer all moneys paid into the county treasury arising from all fines or violations of law, unless otherwise specified by law. Such money shall be forthwith paid into the county treasury by the officer receiving the same, and be added to the yearly school fund raised by taxing each county and dividing in the same manner.

When levy to be made.

Collection of taxes.

Money to be set aside for further support.

School board of each district to certify to board of county commissioners annually, amount of necessary levy for their district, when.

2002. **Special School Tax.**—On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each school district shall certify to the county commissioners the number of mills per dollar which it is necessary to levy on the taxable property of the district, not to exceed ten mills, to raise a special fund to maintain the schools of said districts, to furnish additional school facilities therefor, and to furnish such appliances and apparatus as may be needed, and, in districts of the first and second class, the trustees thereof must make such special levy, or so much thereof as may be necessary to maintain a school term of at least nine months in each year, and the county commissioners shall cause the same to be levied at the same time that other taxes are levied, and the amount of such special tax shall be assessed to each tax payer of such district, and shall be placed in a separate

Purposes of special levy.

Trustees to make special levy in districts of first and second class for what.

Duty of county commissioners therein.

HeinOnline -- 1913 281 1913

column of the tax book, which shall be headed, "Special School Tax."

Column in tax book designating number of school district in which the property is listed.

There shall also be a column in said tax book, which shall be designated the number of the school district in which the property is listed. This tax, when collected, shall be placed to the credit of the proper district, and shall be subject to the order of the district board.

Application of tax money.

How apportionment shall be made.

2003. **Apportionment.**—All school moneys apportioned by county superintendents of common schools shall be apportioned to the several districts in proportion to the number of school census children between six and twenty-one years of age, as shown by the returns of the district clerk for the next preceding school census; Provided, that Indian children, who are not living under the guardianship of white persons, shall not be included in the apportionment list, unless the parents thereof are citizens of the United States or have taken land under the allotment and severalty act of Congress and have severed their tribal relations.

Indian children not to be included in apportionment list, except when.

County school money to be used for what purposes only.

2004. **Purposes for Which Money May Be Used.**—County school moneys may be used by the county superintendent and trustees for the various purposes, as authorized and provided in this Act, and for no other purpose, except that in any district, any surplus in the general school fund to the credit of said district, after providing for the expenses of not less than nine months' school, on a vote of the qualified electors of said district, may be used for the purpose of retiring bonds and improving buildings and grounds. If any school money shall be paid by authority of the board of trustees for any purpose not authorized by this chapter, the trustees consenting to such payment shall be liable to the district for the repayment of such sum, and a suit to recover the same may be brought by the county attorney, or, if he shall refuse to bring the same, a suit may be brought by any taxpaying elector in the district.

When surplus may be used for retiring bonds.

Liability of trustees for using money for any other purposes.

When taxpayer may bring suit to recover

Duty of county treasurer regarding road funds unused for period of our year.

2005. **Transfer of Road Funds.**—It shall be the duty of the county treasurer in each county in this State upon an order of the board of county commissioners, to transfer any and all sums of money raised by county road tax and apportioned to certain road districts that shall have remained one year to the credit of any road district unused or unapportioned to the credit of

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the particular school district or districts whose boundaries are coterminous, or nearly so, with those of the road district to whose credit said moneys were originally apportioned. A certificate by the road supervisor that such moneys are not needed for immediate use in building or repairing roads in his district, accompanied by the petition of ten residents of such district that such transfer be made, shall be made sufficient warrant for the county treasurer to make such transfer when approved by the board of county commissioners, and the official maps of the several road and school districts of the county shall determine the districts to which the transfers are to be made. Moneys so received to the credit of any particular school district may be applied by the trustees thereof to the payment of any outstanding district indebtedness, or like other funds, to the ordinary expenses of the district.

Transfer of road funds to district school funds upon certificate of road supervisor and petition of residents of district.

How such transferred road funds may be used.

2006. **Proceeds of Town Lots.**—All moneys arising from the sale of town lots under and by virtue of the several acts of the legislative assembly of the State of Montana relating to town sites, that are now or that hereafter may come into the hands of any clerk of the district court, or the corporate authorities of any city or town of the State shall be paid into the county treasury of the county for the use and benefit of the common schools of the school district in which such city or town is situated, to be used as provided for in this chapter.

Money arising from sale of town lots to be paid into common school fund, when and by whom.

2007. **Building and Furnishing Fund.**—The county treasurers of the several counties of this State shall transfer all moneys so paid into said treasury as provided for in Section 2006 of this chapter or that may now be in such treasury, derived from said source, to the school fund of the school district in which said town is situated, which shall be paid out on the order of the school trustees of such district, as provided for in Section 2008 of this chapter; and which said moneys shall be by said treasurer set apart as a special fund for the purpose of building and furnishing school houses, and shall be used for such purpose alone, unless otherwise ordered, as provided for in this chapter.

Money to be set aside and expended for building and furnishing school houses.

2008. **Warrants.**—The school trustees of any school district are hereby authorized to draw warrants on said fund named in Sections 2006 and 2007 of this chapter, for the purpose of building and furnishing a school

School trustees authorized to draw warrants on funds named for building and furnishing school houses, when.

HeinOnline -- 1913 283 1913

Warrants shall specify what.

house in such place, in the town or city from the sale of lots out of which such fund arose, as they may designate, which said warrants or orders shall specify the fund on which the same are drawn and for what purpose drawn.

When said funds may be used for general school purposes.

2009. **Transfer of Funds. Election.**—Said Fund may be used for general school purposes, if a majority of the qualified electors of such district shall so elect, upon such question being duly submitted to them at any regular or special election therefor.

Duties of county treasurer regarding school funds.

2010. **Duties of County Treasurer.**—It shall be the duty of the county treasurer of each county.

To hold in special deposits.

1. To receive and hold all school moneys as special deposit and to keep a separate account of their disbursements to the several school districts which shall be entitled to receive them according to the apportionment of the county superintendent.

To keep seperate accounts of disbursements.

Quarterly statements of moneys received and disbursements thereof.

2. To render quarterly beginning September 1, each board of trustees, through its chairman, an itemized statement of warrants paid and moneys received for the district for the preceding quarter.

Information to be given county superintendent.

3. To notify the county superintendent of public schools of the amount of county school fund in the county treasury subject to apportionment whenever required, and to inform said county superintendent of the amount of school moneys belonging to any other fund subject to apportionment.

To pay warrants, when and how.

4. To pay all warrants drawn on county or district school moneys in accordance with the provisions of this chapter, whenever such warrants are countersigned by the district clerk and also countersigned by the county superintendent, provided in Section 513 of this Act.

Annual financial reports of last school year and fiscal year.

5. To make annually, during the month of October in each year, a financial report for the last school year and fiscal year ending with June thirtieth, to the county superintendent of public schools, in such form as may be required by him.

Report of county assessor to superintendent of schools of assessed valuation of district.

2011. **Duty of County Assessor.**—It shall be the duty of the County Assessor in each county in the State to make a report to the county superintendent of schools within his county on or before the 20th day of August in each year, giving the assessed valuation of the several school districts of the county for that year.

2012. **Duty of Clerk of District Court.**—It shall be the duty of the clerk of the district court, at the close

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of every term thereof, to report to the county superintendent of the county in which said term shall have been held, whether or not any fines, and if any, what ones, were imposed by said court during the said term.

Clerk of district court to report to county superintendent, at close of each term, fines assessed.

2013. **Duty of the Justice of the Peace.**—It shall be the duty of each justice of the peace of each county to report to the county superintendent during the month of September in each year, whether or not they have imposed and collected any fines during the preceding year, and if any, what ones, with the date at which the same were paid to the county treasurer.

Justices of the peace to report fines to county superintendent, when.

2014. **Penalty.**—All officers mentioned in Section 2010, 2011, 2012, 2013 of this chapter who shall fail or neglect to perform any of the duties required by this chapter shall be deemed guilty of a misdemeanor, and upon conviction before any court having competent jurisdiction thereof, shall be fined in any sum not less than twenty dollars and not more than one hundred dollars for each neglect; and such fine shall be paid into the county treasury for the benefit of the public schools in said county.

Failure of officers mentioned in last three sections to perform any duty therein imposed.

Penalty.

2015. **Bonds. How Issued. Election. Limit.**—The board of school trustees of any school district within this State shall, whenever a majority of the school trustees so decide, submit to the electors of the district the question whether the board shall be authorized to issue cupon bonds to a certain amount, not to exceed three per cent of the taxable property in said district, and bearing a certain rate of interest not exceeding six per cent per annum, and payable and redeemable at a certain time, for the purpose of building and furnishing one or more school houses in said district, and purchasing land necessary for the same. Should the trustees of any school district in which bonds have heretofore been issued to any amount, desire to submit to the electors of the district the question as to whether additional bonds shall be issued they may do so, but no such bonds shall be issued unless a majority of all votes cast at any such election shall be cast in favor of such issue of additional bonds; and in no case shall the whole issue of bonds exceed the amount of three per cent. of the taxable property within said school district.

Board of school trustees to issue bonds, when.

Limit of amount.

Interest rate.

Due when.

Purposes of bond issue.

May submit question of issuing additional bonds.

Shall not be issued, unless.

Limit to bond indebtedness.

2016. **Manner of Holding Election. Ballots. Voting.** Such election shall be held in the manner prescribed for the election of school trustees. The ballots shall be

How election held.

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Form of ballot.

in the form as follows: "Shall bonds be issued and sold to the amount of ..... dollars, and bearing not to exceed ..... per cent interest and for a period not to exceed ..... years, for the purpose of purchasing a school site and building a school house thereon and for furnishing the same."

Bonds. Yes.

Bonds. No.

How elector shall prepare ballot.

The elector shall prepare his ballot by putting a cross before "Bonds Yes" if he wishes to vote for the bonds and before "Bonds No" if he wishes to vote against the bonds. If a majority of the votes cast at such election are Bonds, "Yes," the board of school trustees shall issue such bonds in such form as the board may direct and they shall bear the signature of the chairman of the board of trustees and shall be signed by the clerk of the said school district; and the cupons attached to the bonds shall be signed by the said chairman and clerk, provided, a lithographic or engraved fac simile of the signatures of the chairman and clerk may be affixed to coupons only, when so recited in the bonds, and the corporate seal of the school district shall be attached to each of the bonds; and each bond so issued shall be registered by the county treasurer in a book provided for that purpose, which shall show the number and amount of each bond, and the person to whom the same is issued or sold; and the said bonds shall be sold by the trustees as hereinafter provided.

When bonds shall be issued and form thereof.

Coupons shall be signed by whom.

Fac simile signatures may be used on coupons only, when.

Corporate seal to be attached.

Bonds to be registered where and how.

2017. **Notice of Sale of Bonds.**—The school trustees shall give notice by advertisement in some newspaper published in this State, for a period of not less than four weeks to the effect that the said school trustees will sell said bonds (breifly describing the same), and stating the time when, and place where, such sale will take place; Provided, that the said bonds shall not be sold for less than their par value, and that the said trustees are authorized to reject any bids, and to sell said bonds at private sale, if they deem it for the best interests of the district; and all moneys arising from the sale of said bonds shall be paid forthwith into the treasury of the county in which such district may be located to the credit of said district, and the same shall be immediately available for the purpose of building or providing the school houses authorized by this chapter;

Notice of sale of bonds shall be published by whom, how long and how.

Not to be sold for less than par.

Bids may be rejected and bonds sold at private sale, when.

Money to be paid to credit of what fund.

HeinOnline -- 1913 286 1913

Provided, that no such bonds shall be delivered by the board of trustees unless the moneys therefor have been paid into the county treasury.

Bonds must not be delivered before money is paid.

2018. **School District Liable on Bonds.**—The faith of each school district is solemnly pledged for the payment of the interest and the redemption of the principal of the bonds which shall be issued under the provisions of this chapter. And for the purpose of enforcing the provisions of this chapter, each school district shall be a body corporate, which may sue and be sued by or in the name of the board of school trustees of such district.

Faith of district is pledged for payment of bonds and coupons.

School district shall be a body corporate.

2019. **Tax. Interest. Sinking Fund.**—The school trustees of each district shall ascertain and levy annually, the tax necessary to pay the interest when it becomes due and a sinking fund to redeem the bonds at their maturity; and said tax shall become a lien upon the property in said school district, and be collected in the same manner as other taxes for school purposes.

Trustees to annually levy a tax to pay interest and sinking fund.

Tax to be a lien.

2020. **Same. Redemption of Bonds.**—The county commissioners, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such years and in any event must be high enough to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay such annual interest, and to pay annually, a portion of the principal of said bonds, equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds have to run and all moneys so levied, when collected, must be paid into the county treasury to the credit of such district, kept in a separate fund and be used for the payment of principal and interest on said bonds, and for no other purpose.

Taxes for redemption of bonds must be levied when.

Taxes must be sufficient for what purposes.

Must be paid to credit of what fund.

1. Provided, that the board may with the surplus of such sinking fund, when the same shall be One Thousand ($1000.00) Dollars or more, purchase any of the outstanding bonds issued by the board. Such purchase shall be made at the lowest price such bonds can be purchased at, but at no more than par value of such

When bonds may be retired with surplus funds.

Price which may be paid in retiring bonds.

HeinOnline -- 1913 287 1913

Sinking fund surplus.

bonds; and whenever there shall be such a surplus of sinking fund amounting to the sum of One Thousand ($1000.00) Dollars, the board shall purchase therewith like bonds, on the same terms and conditions as hereinbefore specified.

When sinking fund money may be invested and how.

2. If for any reason such bonds cannot be purchased as hereinbefore specified, such sinking fund shall be invested by the treasurer under the direction of the board of trustees, at such times as the board shall direct, in interest-bearing bonds of the United States or of the State of Montana, which shall be purchased at the lowest market price. Interest accruing upon such bonds shall be invested in the same manner and for the same purpose as a sinking fund. Such bonds shall be held by the treasurer until the principal of any bonds issued by the board of trustees shall become due, and shall be sold at the highest market price, and the proceeds applied to the payment of bonds; Provided, further, that if at any time the board shall deem it best, it shall be lawful to sell such bonds for the purpose of purchasing the bonds issued by such board; but all such sales shall be at the highest market price, and the bonds of the board purchased with the proceeds of such sale shall be purchased at the lowest price they can be obtained for, and not above the par value of such bonds; Provided, further, that the bonds first maturing shall be purchased, if they can be purchased, on terms as favorable to the board as others offered for sale to the said board. All bonds of the said board purchased under the authority hereby given, or paid by the board, shall be forthwith cancelled as provided in the next succeeding section.

Investment of interest money in sinking fund.

When investment bonds shall be sold.

Price of purchasing and selling bonds.

Order of retirement of school district bonds.

Cancellation of purchased bonds.

Notice of redemption of school bonds to be given when.

2021. **Redemption. Notice to Bond Holder.**—When the sum in said sinking fund shall equal or exceed the amount of any bond then due, the county treasurer shall give notice to each bond holder, if known to him and shall post in his office a notice that he will, within thirty days from the date of such notice, redeem the bonds then payable, giving the numbers thereof, and preference shall be given to the oldest issue; and if at the expiration of the said thirty days the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease; but the treasurer shall at all times thereafter be ready to redeem the same on presentation, and when any bonds shall be so purchased or redeemed the county treasurer

When interest on bonds shall cease.

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shall cancel all bonds so purchased and redeem by writing across the face of such bond or bonds, in red ink, the word "Redeemed" and the date of such redemption; Provided, that, whenever in the judgment of the board of school trustees and prior to the redemption of said bonds said board shall deem it advisable and for the best interest of the school district to invest said sinking fund or any part thereof, the board may by an order entered upon their minutes direct and require the county treasurer to invest said sinking fund or any part thereof in state or county bonds or warrants until such redeemable period.

Treasurer to be ready at all times thereafter to redeem bonds.

Shall cancel bonds when and how.

When school board may invest sinking funds in state or county bonds or warrants.

2022. **Duty of County Treasurer.**—The county treasurer shall pay out of any moneys belonging to the school district the interest upon any bonds issued under this chapter by such district when the same shall become due, upon the presentation at his office of the proper cupon which shall show the amount due, and the number of the bond to which it belonged; and all cupons so paid shall be reported to the school trustees at their first meeting thereafter. But the Board of Trustees of any school district issuing bonds may, by resolution, direct that said bonds and the interest thereon shall be payable in any city in the United States, and then such bonds and cupons shall be made payable at such bank in said city as shall be designated by the County Treasurer at the time of issue; and all bonds and cupons so paid must be returned to the County Treasurer and by him cancelled and exhibited to the County Commissioners at their first meeting thereafter.

County treasurer to pay interest on bonds out of what fund.

To report payment of coupons to board of trustees.

Bonds and interest may be made payable where.

Paid bonds and coupons must be returned to county treasurer when.

2023. **Printing of Bonds.**—The school trustees of any district shall cause to be printed or lithographed, at the lowest rates, suitable bonds, with the cupons attached, when the same shall become necessary, and pay therefor out of any moneys in the county treasury to the credit of said school district.

The school trustees shall cause bonds and coupons printed at what price.

Paid for out of what funds.

2024. **Penalty.**—If any of the school trustees of any district shall fail or refuse to pay into the proper county treasury the money arising from the sale of any bonds provided for by this chapter, they shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a term of not less than one year nor more than ten years.

Failure or refusal of trustees to pay bond money into county treasury a felony.

Penalty

2025. **Repayment of Moneys Borrowed for Mainte-**

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School trustees empowered to levy taxes for the payment of present outstanding indebtedness, when.

nance of Schools.—That whenever, before the passage of this Act, the taxes levied and collected in any school district upon the taxable property of said district, for the necessary maintenance of said schools, have been insufficient for the necessary maintenance of said schools, and for that reason the trustees of said school district have been compelled to borrow money for the necessary maintenance of said schools, in order to prevent the closing of the same for a portion of the regular school year of said district, and have borrowed money for the necessary maintenance of said schools, and such moneys so borrowed cannot be repaid out of the total amount of taxes that may be raised by maxium levy for school purposes in such district, without using the funds of the district needed to pay the necessary current expenses for the maintenance of the schools therein, and thereby necessitating the closing of such schools for the whole or a portion of the regular current school year of such district for one or more years, then the said trustees shall be, and are hereby empowered to raise money to repay, and to repay such loans, with interest thereon from the date thereof until paid at the rate of six per cent per annum, by levying a tax therefor upon all the taxable property in said district in the manner provided in the following sections.

Procedure when trustees, under circumstances set forth in Sec. 2025, determine to repay money borrowed.

2026. **Special Levy to Repay Moneys Borrowed.**—That if the trustees of any school district, under the circumstances mentioned in Section 2025 of this chapter shall determine to repay the moneys borrowed and used for the purpose mentioned in said Section 2025, they shall ascertain the amount to be levied by finding the amount of the principal, of such loans and interest at six per cent per annum from the date thereof to December 15th, of the year in which such levy shall be made, that being the time when the tax will properly be collected, and shall, on or before the day when the county commissioners are required by law to make the annual tax levy, make and file with the county clerk of the county in which such school district shall be situated, their certificate, which shall be signed by a majority of such trustees, setting forth therein the amount to be raised as aforesaid, and requesting the county commissioners to levy the amount named in said certificates as a special tax upon all taxable property in said school district. The valuation of the property in said district

Bases of assessment of such tax.

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as the same appears upon the assessment roll of said county for the year for which the levy shall be made, shall be the basis for the assessment of such tax. It shall be the duty of the county commissioners at the time the annual tax levy is made to levy the sum named in said certificate as a special tax upon all of the taxable property in said district, and the duty of the county clerk to spread said tax upon the said assessment roll against all of said property in the same manner as other taxes are spread upon said roll, and said tax being so assessed shall become a lien upon said property and be collected in the same manner as other taxes for school purposes are collected.

Duty of county commissioners to levy such special tax.

Duty of county clerk therein.

Tax to become a lien and collected how.

2027. **Disposition of Funds Collected.**—That when the tax mentioned in the preceding sections has been collected, or any part thereof, the county treasurer shall place the same to the credit of said school district in a fund separate from all other funds, of said district and the moneys in such fund shall be forthwith paid out by the trustees to the persons and corporations to whom the same are payable, and until the debt for the payment of which such moneys were raised have been paid, no part of such funds shall be used for any other purpose. If from failure to collect the entire amount of such tax, or from any other cause, there shall not be moneys sufficient in said fund to pay the amount of principal and interest of the sum borrowed, the trustees shall pay the amount of such deficiency from the general fund to the credit of said disrtict, and if after paying all of the debts payable out of such special fund, a balance shall remain therein, such balance shall be transferred to the general fund of said district.

Money collected under said assessment to be placed in special seperate fund.

Said money to be paid to whom.

Fund to be used for no other purpose.

When money collected not sufficient to discharge indebtedness

Surplus, if any, to be paid to general fund of school district.

2028. **Trustees May Issue Bonds.**—If the trustees of any school district mentioned in this Act shall determine that it would not be for the best interest of said district to raise in any one year the moneys mentioned in Section 2027 of this chapter, by levying and collecting a tax therefor as in the preceding sections provided, they shall nevertheless be authorized and empowered to raise such moneys by issuing and selling the bonds of said district in an amount sufficient to repay, and to repay, such moneys with interest thereon at six per cent per annum. If the said trustees shall determine to issue the bonds of said district for the purpose aforesaid, they shall ascertain the amount of said bonds by

When trustees are authorized to issue bonds to pay outstanding indebtedness.

Proceedure when trustees determine to sell bonds for such purpose.

HeinOnline -- 1913 291 1913

Shall then issue bonds to what amount.

Limit of interest bonds may bear.

Amount of each bond.

Shall run for what period.

Form of bonds.

Signatures.

Coupons to be signed by whom.

Lithographic or engraved signatures may be used when.

Bonds to be registered with whom.

How bonds shall be sold and money deposited.

How expended.

finding the amount of principal and interest of the loans to be repaid at six per cent per annum from the date thereof until the time when said bonds will probably be sold as hereinafter provided. They shall then issue the bonds of such district to the amount to be ascertained which bonds shall draw interest at a rate not to exceed six per cent per annum payable either annually or semi-annually as the trustees shall determine, and each of said bonds shall be for the sum of One Hundred Dollars or multiples thereof and shall run for such length of time as the said trustees shall determine, not exceeding a period of ten years from the date thereof; said bonds shall be in such form as the board of trustees may direct, and shall bear the signature of the chairman of the board of trustees, and shall be signed by the clerk as clerk of the said school district, and the coupons attached to said bonds shall be signed by said chairman and said clerk; Provided that lithographic or engraved fac similes of the signature of the chairman and clerk may be affixed to coupons only when so recited in the bond, and each bond so issued shall be registered by the county treasurer in a book provided for that purpose, which shall show the number and amount of each bond, and the person to whom the same is issued or sold, and said bonds shall be sold and the proceeds thereof deposited with the county treasurer, in the manner provided by the provisions of Section 2028 of this Chapter, and paid out by the trustees to the persons and corporations to whom the loans for the payment of which such bonds were issued are payable.

Powers and duties enjoined by existing laws applicable herein.

2029. **General Laws Applicable.** All of the powers conferred and duties enjoined upon school trustees and county commissioners by Section 2019, 2020, 2021, 2022, 2023, of this chapter for raising money to pay the interest on, and to provide, and for the care and management of, a sinking fund for the redemption and payment of bonds issued by school districts under the provisions of existing laws are hereby conferred and enjoined upon school trustees and county commissioners respectively with respect to all bonds issued under the provisions of this chapter.

Additional powers conferred upon school district trustees concerning the issuing of redemption bonds upon the credit of their respective districts.

2030. **Refunding Bonds.**—The school trustees of any school district of the State of Montana, shall have, and are hereby given in addition to the power already conferred on them, authority to issue on the credit of

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their respective districts, coupon bonds, (and sell or dispose of the same) for the purpose of providing the necessary funds to pay maturing, redeemable, or optional bonds, under the following condictions, to-wit:

When and under what conditions power to be exercised, and form, conditions, etc., required to be embodied.

1. When there is not sufficient money to the credit of the school district applicable to pay any of said bonds.

2. When in the judgment of the school trustees to levy and collect a special tax for the purpose of paying any of said bonds, would be a hardship and a burden to the school district.

3. All bonds issued under the provisions of this Section of this Act, shall bear upon their face the words "Refunding School Bonds" and shall also recite in the body of the bond that "this bond is issued for the purpose of providing funds to pay maturing and outstanding bonds."

4. Said bonds shall bear interest at a rate not to exceed six per cent per annum, (an interest may be payable semi-annually) and payable and redeemable within a period not exceeding twenty years from the date of issue; Provided, said bonds shall not exceed in amount the face value of the bond (and any accrued interest thereon), which they are issued to replace.

5. The trustees shall fix the denominations, terms, rate and form of said bonds not inconsistent with the requirements hereinbefore set forth; and may issue, dispose of or sell such bonds at any time deemed necessary and expedient to enhance, preserve and maintain the credit of their respective districts.

6. Said bonds, when offered for sale, shall be advertised for sale in not less than one newspaper of general circulation, published in the State of Montana, for a period of not less than four weeks preceding the date fixed for sale of said bonds; said advertisement shall briefly describe the bonds, stating the time when, and the place where said sale shall take place; Provided that said bonds shall not be sold at less than their par value, and the trustees are authorized to reject any bids made, and sell said bonds at private sale, or exchange the same for outstanding bonds, if they deem it for the best interests of the districts so to do, and it shall not be necessary to hold any election or submit the matter of the issuance of the bonds authoriezd by this section of this chapter, to the electors of

HeinOnline -- 1913 293 1913

the school district.

7. Said bonds and coupons (attached) shall be signed by the chairman of the board of trustees and the school clerk of the district, provided, a lithographed or engraved fac simile of the signatures of the chairman and clerk may be affixed to the coupons, only when so recited in the bonds, and the corporate seal of the school district shall be affixed to each bond.

8. Each bond so issued shall be registered by the county treasurer of the county wherein such school district is located, in a book provided for the purpose, which shall show the date, number, term, and amount of each bond, and the person or persons to whom the bonds are issued and sold.

Money arising from sale of such bonds to be paid into county treasury for what purpose.

2031. **Disposal of Proceeds of Bonds.**—All moneys arising from the sale of said bonds shall be paid forthwith into the treasury of the county in which said school district is located, and shall be immediately available to apply for the purpose authorized and no other purpose.

Faith of district is pledged for payment of interest and principal of bonds.

2032. **District Responsible on Bonds.**—The faith of each school district is solemnly pledged for the payment of the interest and redemption of the principal of the bonds which shall be issued under this chapter. And for the purpose of enforcing the provisions of this chapter, each school district shall be a body corporate, which may sue and be sued by, or in the name of the board of school trustees.

For purpose of this chapter district shall be a body corporate.

Trustees must levy annual tax for paying interest on and the redemption of such bonds, etc.

Tax shall be a lien.

2033. **Must Levy Tax for Interest, Etc.**—The school trustees of each district shall ascertain the amount and levy annually, a tax necessary to pay the interest, when it becomes due, and provide a sinking fund to redeem the bonds at their maturity; and said tax shall become a lien upon the property in said school district and be collected in the same manner as other taxes for school purposes.

County treasurer to give notice that he will redeem bonds when and how.

2034. **Redemption of Bonds.**—When the sum in said sinking fund shall equal or exceed the amount of any bond then due, the county treasurer shall post in his office a notice that he will, within thirty days from the date of such notice, redeem the bonds then payable, giving the number thereof, and the bonds bearing the lowest number shall be redeemed first in their order; and provided, that such redemption shall be made at some regular interest period as set forth

Order of redemption.

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in the bond; and if at the expiration of the said thirty days the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease but the treasurer shall at all times thereafter be ready to redeem the same on presentation, and when any bond or bonds shall be so purchased or redeemed, the county treasurer shall cancel all bonds so purchased and redeemed, by writing or stamping across the face of such bond or bonds, in ink, the words "Redeemed and Cancelled," and the date of such redemption. And the bonds paid shall be exhibited to the board of county commissioners at their first meeting thereafter.

When to be made.

Interest shall cease when.

Treasurer at all times thereafter shall be ready to redeem such bonds.

Bonds shall be cancelled when redeemed, how.

Paid bonds to be exhibited to whom.

2035. **Payment of Interest.**—The county treasurer shall pay out of any moneys belonging to the school district, the interest upon any bonds issued by authority of this chapter, by such district, when the same shall become due, upon the presentation at his office, of the proper coupon, which shall show the amount due, and the number of the bond to which it belongs; and all coupons so paid shall be cancelled and exhibited to the board of county commissioners at their first meeting thereafter.

Interest to be paid out of what funds, and when.

Coupon to be cancelled.

2036. **Presentation of Bonds.**—The school trustees of any school district shall cause to be printed or lithographed, at the lowest rate, suitable bonds, with the coupons attached, when the same shall become necessary, and pay therefor out of any moneys in the county treasury to the credit of said school district.

Printing and lithographing of bonds to be done at what price.

2037. **Felony. Penalty.**—If any of the school trustees of any district shall fail or refuse to pay into the proper county treasury the money arising from the sale of any bonds provided for in this chapter, they shall be deemed guilty of a felony and upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a term of not less than one year, nor more than ten years.

Failure or neglect of trustees to pay bond money into county treasurer a felony.

Penalty.

2038. **Repayment of Loans.**—Whenever heretofore money has been loaned or advanced to the board of school trustees of any district, for the erection of a school house or school houses therein, by any person or corporation, in reliance upn the proceeds of the sales of bonds for the repayment of the same, the issuance of which bonds has been voted for by a majority of the electors of such district, voting at an election

Repayment of money borrowed to erect school house or houses when bonds issued to raise money for such purpose have been adjudged void.

HeinOnline -- 1913 295 1913

held for the purpose of authorizing the issuance of the same for the erection of a school house or school houses, which said money has been used by such board of school trustees in the erection of a school house or school houses in such district, but which bonds when issued have been adjudged and held to be void or invalid by the supreme court of the state, the money so loaned or advanced may be repaid, together with the interest thereon covering the period for which interest has not been paid, at the rate specified in said bonds so held to be void; said payment to be made by the board of school trustees to the person or corporation who or which had loaned or advanced the same, from the proceeds of the sale of any bonds thereafter issued for the purpose of building one or more school houses in said district, or for any other school purpose.

May be paid from proceeds of sale of any bonds thereafter issued for such purpose.

CHAPTER XXI.

County High Schools.

Any county may establish a high school.

2100. **Any County May Establish High School.** Any county in the state may establish a high school on the conditions and in the manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending the elementary schools.

When a petition has been filed with county commissioners to establish a high school duty of clerk to give notice.

Cotents of notice. Nomination of any place for the location of the high school shall be filed where and within what time.

Any number of places may be candidates.

Shall sign but one petition.

Duty of clerk when petition is filed when commissioners not in session.

2101. **Petition for Establishment and Location.**—Whenever one hundred freeholders in any county shall petition the board of county commissioners, requesting that a high school be established in their county, the county clerk shall give twenty days notice, by publication in the official paper of the county, that such petition has been filed, and that any village, town or city may become a candidate for the location of said high school upon petition of not less than fifty freeholders of said village, town or city, requesting that said place be named as the candidate for the location of said high school. All nominations of places for the location of said school shall be filed with the board of county commissioners within thirty days from the date of the first publication of said notice. Any number of places may be candidates for the location of said school but no freeholder shall append his name to more than one petition. If such petition is filed at any time when the board of county commissioners is not in session, the county clerk shall notify the commissioners thereof,

HeinOnline -- 1913 296 1913

and a special meeting shall be held to call the necessary election herein provided for.

Special meeting shall be called.

2102. **Election. Voting.** At the expiration of thirty days from the date of the first publication of said notice, the county commissioners shall call an election and appoint precinct judges and clerks. Said election shall be conducted in accordance with the general election laws of the state. The county clerk shall give twenty days notice of such election by publication in the official paper of the county that the question of establishing a high school in said county, and the location thereof, will be submitted to the qualified electors of said county at a designated time. The notice shall distinctly specify the places which are candidates in the forthcoming election. The qualified electors shall vote by ballot, for or against the establishment of a county high school, and on separate ballots with the names of the place or places that are candidates for the location of said school written or printed thereon, vote for not more than one of the places named upon said ballot as a candidate for the location of said school. The ballots shall be substantially in the following form:

County commissioners shall call an election and appoint precinct judges and clerks, when.

How election shall be conducted.

Notice of election.

Contents of notice.

How electors shall vote.

Ballots.

To vote but for one place.

Form of ballots.

Ballot No. 1. For a County High School, Against a County High School

Ballot No. 2. Helena, Marysville.

An elector desiring to vote for the establishment of a high school, shall do so by placing an "x" before the clause; "For a County High School," which shall be a vote in favor of establishing a county high school. An elector desiring to vote against the establishment of a high school, shall do so by placing an "x" before the clause: "Against a County High School." An elector desiring to vote for the location of a county high school at a certain place, shall do so by placing an "x" before the name of the place desired for the location of such school.

How to mark ballot when voting for establishing school.

How to mark ballot when voting against establishment of the high school.

When voting for location of school at particular place.

2103. **Canvas of Returns.** After the election, the

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How vote to be canvassed.

In majority vote favor establishing high school the county commissioners.

Shall canvass vote for different candidates for the location thereof.

Place receiving majority of all votes cast to be declared place of location.

What fact shall be declared by commissioners in case any candidate has received the maorjty vote.

Shall appoint board of trustee when.

Board to be composed of whom.

In case of a tie vote between two or more candidates another election shall be called.

Question to be submitted at election.

ballots on said question shall be canvassed in the manner provided for general county elections, and, if the vote in favor of establishing a county high school shall be a majority of all votes cast upon said proposition, the board of county commissioners shall proceed to canvas the vote for the different candidates for the location of said school, and the village, town or city having the largest number of votes for the location of said school, provided said number of votes be a majority of all votes cast in favor of the measure, shall be declared to be the place for the location thereof. If the results in favor of establishing such high school, and any candidate for its location has a majority, the board of county commissioners, by an order duly entered on their minutes, shall so declare this fact, and the board shall immediately thereafter appoint six persons, residents and taxpayers of the county not less than three nor more than four of whom shall be residents of the village, town or city, where the school is located, who shall, with the county superintendent of schools, constitute a board of trustees for said school.

In case of a tie vote between two or more of the candidates having the highest number of votes for the location of said school, the county commissioners shall immediately call another election in the manner provided by law for general county elections, at which the only question to be submitted shall be the location of said school and only the names of those candidates so tieed shall appear upon the ballot.

2104. **Board of Trustees.**

Board of trustees, number and composed of whom and how appointed.

1. **Composition of.** The board of trustees shall consist of seven members of which the county superintendent shall be a member, and the remaining six members shall be appointed by the county commissioners.

Term of office of trustees.

2. **Term.** The term of office of trustees, other than the county superintendent, except of those especially hereinafter provided for, shall be three years and until their successors are appointed and qualified.

County commissioners shall appoint in March, 1913, three trustees; terms of office.

And in March, 1914, two trustees for what terms.

3. **Appointment.** The county commissioners shall appoint at their regular meeting in March, 1913, three trustees, two for a three year term, and one for a two year term; in March, 1914, they shall appoint two trustees for a three year term and one trustee for a one year term, and annually thereafter at their quar-

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terly meeting in March they shall appoint two trustees for a three year term. Of the trustees appointed not less than three nor more than four shall be residents of the village, town or city in which the high school is located.

Appointments thereafter.

4. **Vacancies.** Whenever any vacancy occurs in said board of trustees, from any cause the secretary of the board shall immediately certify such vacancy to the board of county commissioners.

Duty of secretary of board in case of vacancy.

5. **Meeting. Quorum.** The county high school boards shall hold four regular meetings per year, on the third Saturday of April, July, October and January, and such special meetings not to exceed two in any one month, as they may deem necessary. The provision of the general school law as to notice, time and place of meetings shall govern all county high school boards.

Number of meetings to be held each year, and on what dates.

Special meetings.

General school laws to govern in what matters.

A majority of said board shall constitute a quorum for the transaction of all business.

Quorum.

6. **Officers.** At their regular April meeting in each year the trustees shall choose from their number, a president, vice president, and secretary, who shall hold office for one year or until their successors have been appointed and qualified, and said trustees shall have authority to make all necessary rules for their government, not inconsistent with the law. The county treasurer of the county shall be the treasurer of the board and the custodian of all funds available for school purposes.

Officers; to be elected when.

Term of office.

Authority to make rules for their government.

Who shall be treasurer of the board.

7. **Powers and Duties.** (a) To keep a record of all the official acts done by said board, and to keep a full record of all warrants issued against moneys belonging to said county high school. Payments of money can only be made upon warrants drawn against said funds belonging to said high school, and each warrant so drawn must specify, upon its face the purpose for which it is drawn.

Powers and duties of board of trustees.

Payments of money can be made how only.

(b) To proceed as soon as practicable after their appointment and qualification, to select at the place designated as the location for the county high school, the best site that can be obtained, and the title thereto, upon securing said site by purchase or otherwise, shall vest in the county; the trustees shall then proceed to make purchase of material and to let such contracts for necessary school buildings as they may deem proper. They shall not, however, make any purchase or

High school site to be selected by.

Title to vest in county.

To purchase materials and let contract for building.

HeinOnline -- 1913 299 1913

Limit in amount of contract.

enter into any contract, whereby obligations are assumed in excess of the amount of funds on hand or available through the levy of taxes for the current year, or the issuance of bonds.

May lease buildings for the high school, when.

(c) To lease at their discretion suitable buildings for the use of the high school while the new buildings are in process of erection, or to contract with the trustees of the local school district, or any other parties, for the use of suitable buildings for high school purposes for such time as may be deemed best for the interests of the county.

May employ a principal for three years.

(d) To employ for a period not to exceed three years some suitable person to take charge of said school who shall possess such qualifications as are now required to be possessed by a city superintendent of schools; except that said principal shall not be required to possess more than three years of experience in teaching; to furnish such assistant teachers as they may deem necessary, and to designate the salaries which shall be paid to said principal and assistant teachers; Provided, that such teachers shall be required to have the qualifications required of a teacher to hold a position in a district high school and also to hold a valid Montana certificate.

Necessary qualifications of principal.

To employ necessary teachers and fix salaries.

Proviso regarding the qualifications of the principal.

To adopt courses of study.

(e) To adopt on the recommendation of the principal such courses of study as will properly fit the student attending said high school for admission to the collegiate class of any of the state educational institutions, and such course of study shall contain the work now provided for accredited high schools by the state board of education.

Course shall contain what.

To admit pupils free under such rules and regulations as they may deem proper.

(f) To admit pupils without tuition under such rules and regulations as they may deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such school; Provided, that no person shall be admitted to such high school who shall not have satisfactorily completed the work of the elementary grades. All eligible pupils in the county are entited to attend the county high school and it shall be the duty of the board to provide accommodations for such pupils.

Who shall not be admitted.

Who are entitled to attend.

May admit pupils from other counties when.

(g) To admit pupils from other counties, when there is room, upon the payment of such tuition as the board of trustees may prescribe; but at no time shall such pupils continue in such school to the exclu-

HeinOnline -- 1913 300 1913

sion of pupils residing in the county in which such school is located.

Mileage allowed to trustees residing elsewhere.

2105. **Compensation of Trustees.** The trustees who do not reside at the place where said high school is established are entitled to mileage in attending the meetings of the board. The trustees of said high school shall serve without compensation, but may pay their secretary such reasonable compensation as may be determined and the board shall make such reports, from time to time, as the county superintendent of schools, or the state superintendent of public instruction may require.

No compensation for trustees.

Compensation for the secretary.

Reports by board.

Principal may make what rules and regulation for government of school.

2106. **Principal May Make Rules.** The principal of any such high school with the approval of the board of trustees shall make such rules and regulations as he may deem proper in regard to the studies, conduct and government of the pupils under his charge; and if any such pupils will not conform to, nor obey, the rules of the school, they may be suspended by the principal or expelled therefrom by the board of trustees.

Pupils may be suspended when.

Holders of certificates of graduation within 18 months from date there shall be admitted without examination to any state institution of learning.

2107. **Diploma to Admit to State Collegiate Institutions.** Upon the presentation of a certificate of graduation from any such county high school, within eighteen months from the date of the same, to any state institution of learning, the person presenting the same may be admitted wihout further examination to said institution of learning.

Trustees to present to board of county commissioners estimate of building and maintenance expenses, when.

2108. **Tax Levy.** At the regular April meeting or at some succeeding meeting, called for such purpose, said trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages, and for payment of contingent expenses and they shall present to the board of county commissioners a certified estimate of the rate of tax required to raise the amount desired for such purposes, and the board of county commissioners must levy such tax as other county taxes are levied. But in no case shall the tax for such purpose exceed in one year the amount of ten mills on the dollar on the taxable property of the county, and when the tax is levied for the payment of teachers' wages, and for contingent expenses only, it shall not exceed three mills on the dollar.

Shall also present a certified estimate of rate of tax required to raise the amount.

County commissioners must levy such taxes.

Limit to amount or rate of tax per annum.

Other limit.

2109. **Submission to Electors of Question of Bond Issue.** The secretary of the board of county high

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When secretary of the board shall certify to county commissoners that trustees have decided to submit question of bond issue for buildings or other purposes named.

school trustees, whenever a majority of the board shall so decide, shall certify to the board of county commissioners that they have decided to submit to the electors of the county, the question whether the county bonds shall issue for the purpose of the erection or purchase of a building or buildings for high school purposes and the equipment thereof, or for the erection and equipment of a dormitory or dormitories, or gymnasium, and for a suitable site or sites therefor, and shall include in such certificate the amount of such bonds, which amount shall not exceed the sum of Two Hundred Fifty Thousand ($250,000) Dollars, in any one county of the first and second class, and One Hundred Fifty Thousand ($150,000) Dollars, in counties of the third class, and in all other counties shall not exceed the sum of One Hundred Thousand ($100,000) Dollars in any one county. Such bonds may run for a term of twenty years, or less, but no longer; Provided, that any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the State Constitution.

Amount of bonds shall not exceed what sum.

Term of bonds.

Constitutional limit to be observed.

County Commissioners shall proceed to submit question of bond issue.

That as soon as practicable after receiving such certificate the board of county commissioners shall proceed to submit the question of issuing said bonds to the qualified electors of the county in the manner provided by law for the issuance of other county bonds. If such bonds are issued the county commissioners, at the time of making the levy of taxes for county purposes each year, must levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year and such proportion of the principal as is to become due during the year, and in any event must be high enough to raise annually, for the first half of the term, a sufficient sum to pay the interest thereon and during the balance of the term, high enough to pay said annual interest and to pay annually a portion of the principal of said bond, equal to the sum produced by taking the whole amount of said bonds outstanding, and dividing it by the number of years said bonds have to run, and all moneys so levied, when collected, must be paid into the county treasury to the credit of the county high school, kept in a separate fund and to be used for the payment of principal

When bond tax levy shall be made.

Taxes must be sufficient for what purposes.

Tax money collected must be paid into what fund, and used for what purpose.

HeinOnline -- 1913 302 1913

and interest on said bonds, and for no other purpose; Provided, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of school district bonds. Said tax shall be levied and collected in the same manner as other county taxes.

Investment of accummulated money in such fund.

How taxes to be levied and collected.

In any county wherein there is now maintained a district high school, in which a county high school is hereafter created, the bonds to be issued for the county high school under the provisions of this section shall constitute an indebtedness only against so much of the said county as is not included in the district maintaining said high school, and the question of the issuance of said bonds shall be submitted to the electors only who reside outside of such district. The limitations on the indebtedness to be created by the issuance of bonds in such cases and the method of levy, assessment and collection of taxes for the payment of bonds so issued, hereinabove set forth, shall apply only to so much of the said county as is not included in the school district maintaining such district high school.

County high school bonds shall not constitute an indebtedness against any school district in the county maintaining a district high school.

Electors in such district not to vote at county high school bond election.

Other matters not applying to such districts in said event.

2110. **Payment of Bonds.** Said bonds shall be paid, principal and interest, in the manner provided for the payment of other county bonds.

How bonds and interest shall be paid.

2111. **Assessment for Maintenance.** In case bonds are issued, the trustees in making estimates for the maintenance of the high school, shall not include estimates for building or other purposes for which the said bonds are issued.

When estimates for building shall not be included in maintenance estimates.

2112. **District High Schools.** In any county where a county high school has been established, any district which maintains high school classes duly accredited by the state board of education shall be entitled on such accrediting to a refund of county high school moneys levied and collected for maintenance from such district as follows: For maintaining first year of high school work with not less than five census students in average daily attendance, a refund of one-fourth of such money; for maintaining second year of high school work, with not less than ten such students in such daily attendance, a refund of one-half of such money; for maintaining third year of high school work, with not less than fifteen such students in such daily attendance, a refund of three-fourths of such fund; for maintaining fourth year of high school work, with not

District high schools shall be accredited to a refund of county high school money collected from such district.

Amounts to which said district school shall be accredited as refund each year.

HeinOnline -- 1913 303 1913

When district shall be exempt from further levy by the county high school board except bonded indebtedness for free high school purposes.

less than twenty such students in such daily attendance, a refund of all the high school levy; Provided, however, that when such district high school has been fully established as an accredited high school, such district shall thereafter be exempt from further levy by the county high school board, except for bonded indebtedness for free county high school purposes.

All things done for establishing county free high schools heretofore under prior laws are hereby ratified.

2113. **Prior Acts Validated.** All acts and things of any kind whatever, done by any board of county free high school trustees, or by any board of county commissioners, of this state prior to the passage of this act, under the provisions of the Act of March 3d, 1899, for the establishment of county free high schools, or under the act of March 14, 1901, or the Act of March 5, 1899, shall be and are hereby ratified and declared to be valid and of full force and effect.

All things duly done by boards of county commissioners in submitting questions of establishing free county high schools, etc., are hereby ratified and validated.

2114. **Same.** That all acts heretofore done by any board of county commissioners in this state in connection with the submission to the electors of their county of the question of establishing and locating a county free high school, and upon which acts such question was in fact submitted to the electors of such county and a majority of all votes cast at such election was in favor of the establishment and location of such high school and so found and declared by the board of county commissioners, shall be, and are hereby ratified and declared to be valid and of full force and effect.

All high school bonds heretofore issued by boards of trustees of any high schools after submission to a vote of the electors, etc., are hereby declared valid, etc.

2115. **Bond Legalized.** That all bonds issued or authorized to be issued, at any time prior to the passage of this Act, by the board of trustees of any county free high school in this state, where the question of the issuance of the same was first submitted by said trustees to the electors of the county and a majority of all votes cast at such election were in favor of said bond issue, and so found and declared by said board of trustees are hereby ratified and declared to be valid and legal obligations and of full force and effect.

CHAPTER XXII.

Miscellaneous:

The words "he" or "his" used in this act shall mean also, "she" and "her."

2200. **Gender.** Whenever the word "he" or "his" occurs in this title, referring either to the members of the board of trustees, county superintendent, teachers, school officers or children, it shall be understood to mean also "she" or "her."

2201. **Fines and Penalties.** All fines and penalties,

HeinOnline -- 1913 304 1913

not otherwise provided for in this title, shall be collected by an action in any court of competent jurisdiction, and shall be paid into the county school fund immediately after collection.

Collection of fines and penalties and payment into county school funds.

2202. **Printing and Binding.** All printing and binding required under this title shall be executed in the form and manner, and at a price not exceeding other county printing, and shall be paid in like manner out of the general school fund.

How printing and binding required herein, shall be done and paid for at what price.

2203. **School Officers not to act as Agents.** Neither the superintendent of public instruction, nor any person in his office, nor any county superintendent, nor school district officer, nor any officer or teacher connected with any public school, shall act as agent or solicitor for the sale of any school books, maps, charts, school library books, school furniture or apparatus, or furnish any assistance to, or receive any reward therefor, from any author, publisher, bookseller or dealer, doing the same. Every person violating this section shall be deemed guilty of a misdemeanor and be liable to a fine of not less than fifty nor more than two hundred dollars for each offense, and shall be liable to removal from office therefor.

Certain named school officers and persons forbidden to act as agents or solicitors for sale of books, maps, etc., and from receiving rewards therefor.

Misdemeanor.

Penalty.

2204. **Purchase of Charts, Maps, and Apparatus.** No warrants issued by board of trustees in districts of the third class in payment for charts, maps or apparatus shall be paid by the county treasurer until such warrant has been countersigned by the county superintendent.

Warrants which shall not be paid until countersigned by whom.

2205. **Oath of Office.** Any person elected or appointed to any office mentioned in this title shall, before entering upon the discharge of the duties thereof, take the oath of office. In case such officer has a written appointment or commission, his oath shall be endorsed thereon; otherwise it may be taken orally; in either case it may be sworn to before any officer authorized to administer all oaths relative to school business appertaining to their respective offices, without charge or fee.

Officers mentioned in this title to take oath of office before entering upon the discharge of their duties.

Must be indorsed upon written appointment.

May be sworn to before whom.

2206. **Duty of County Attorney.** The county attorney shall be the legal adviser of the county superintendent, and all school trustees, and shall prosecute and defend all suits to which a district may be a party.

County attorney the legal adviser of whom.

2207. **Penalties.** Any person who shall violate any

HeinOnline -- 1913 305 1913

Violations of this title a misdemeanor.

Penalty.

Sections of the Revised Codes repealed hereby.

provisions of this title shall be deemed guilty of a misdemeanor (when not otherwise provided in this title) and upon a conviction thereof shall be fined in a sum not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than five days nor more than thirty days, or by both such fine and imprisonment. The following sections of the Revised Codes of the State of Montana 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, and 1044, and Chapters 11, 12, 27, 28, 31, 32, 35, 73, 98, of the laws of 1909, and Chapters 16, 24, 40, 41, 42, 71, 82, 102 ad 131 of the laws of 1911, and all acts heretofore passed amendatory thereof are hereby expressly repealed.

Further repealing clause.

All acts and parts of acts in conflict herewith are hereby repealed.

This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 12, 1913.

HeinOnline -- 1913 306 1913

CHAPTER 77.

"An Act Creating the Office of a State Dairy Commissioner of the State of Montana, Fixing the Salary and Making an Appropriation for the Carrying Out of the Provisions of this Act, and Defining the Duties thereof; Providing for Deputies; Prescribing the Duties of said Dairy Commissioner and his Deputies; Defining Dairy Products and Imitation of Dairy Products; Regulating the Production, Sale and Shipment of Cream, Milk, Butter, Ice Cream, Condensed Milk and Cheese; Providing for the Inspection of Creameries, Cheese, Condensed Milk and Ice Cream Factories, Dairies and Utensils; providing Penalties for the Violation of this Act and Repealing all Acts in Conflict herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

State dairy commissioner; office created.

Section 1. That there is hereby created the office of the State Dairy Commissioner and immediately upon this Act becoming effective, the Governor of the State of Montana shall appoint a State Dairy Commissioner for the term of four years at an annual salary of Two Thousand Four Hundred ($2,400.00) Dollars, who shall appoint, with the approval of the Governor, two Deputies at an annual salary each of One Thousand Two Hundred ($1,200.00) Dollars.

Appointment.

Term of office and salary.

Deputies and salaries.

Qualifications.

The said State Dairy Commissioner shall have a practical knowledge and experience in the manufacture of dairy products, the production of dairy products on the farm and the feeding and handling of dairy cattle.

Traveling expenses and payment thereof.

The State Dairy Commissioner and his Deputies shall be entitled to their necessary and actual traveling expenses incurred in the discharge of their official duties, to be paid at the end of each calendar month upon duly itemized and certified bills in like manner as the traveling expenses of the other state officials are paid.

Limit in amount of traveling expenses.

The necessary and traveling expenses of the State Dairy Commissioner shall not exceed One Thousand ($1,000.00) Dollars, and that of each of his Deputies shall not exceed One Thousand Five Hundred ($1,500.00) Dollars each, in any one year.

Office in capitol.

The said Dairy Commissioner shall be furnished with an office in the State Capitol.

Deputies under general control of and may be discharged by commissioner.

Said Deputies shall act under the general control and direction of the said State Dairy Commissioner, and

HeinOnline -- 1913 307 1913

shall be subject to removal by said Dairy Commissioner, subject to the approval of the Governor.

Special duties to be assigned to one deputy.

One of said Deputies shall be detailed by said Dairy Commissioner to give one-half of his time to the inspection and promotion of, and instruction in the manufacture of dairy products, such as butter, cheese, condensed milk and ice cream. This Deputy, under the direction of the Commissioner, shall visit all factories and take necessary time to give such advice and practical instruction as to insure the successful operation of said factories or plants throughout the State. This section does not prohibit said Deputy in the course of his regular duties from performing any of the duties of the Dairy Commissioner as prescribed in this Act.

Appropriation for salaries and expenses.

Section 2. For the purpose of carrying into effect the provisions of this Act, there is hereby appropriated for the purpose of paying the salary of the State Dairy Commissioner, and his Deputies, hereinbefore provided, and the necessary expenses of the said Dairy Commissioner, and his Deputies as herein provided, for the fiscal year 1913, the sum of Eight Thousand Eight Hundred ($8,800.00) Dollars, or so much thereof as may be necessary, and for the fiscal year of 1914 the sum of Eight Thousand Eight Hundred ($8,800.00) Dollars, or so much thereof as may be necessary.

Duties of commissioner.

Section 3. Duties of the State Dairy Commissioner. —It shall be the duty of the said State Dairy Commissioner or his Deputies, to inspect or cause to be inspected all creameries, dairies, butter, cheese, condensed milk or ice cream factories, or any place where milk or cream or their products are produced, handled, or stored within the State, at least once a year, or oftener, if possible.

Inspect creameries, dairies, factories, etc., at least annually.

To inspect barns, farm houses, creameries, factories and other places upon reports or complaints received.

It shall be the duty of the said Dairy Commissioner to act upon all reports or complaints that he may receive from owners and managers of public dairies, creameries, butter, cheese, condensed milk and ice cream factories, or other persons, wherein it is reported to him the names and locations of one or more producers of milk, cream, butter, cheese, condensed milk or ice cream who are offering for sale milk, cream, butter, cheese, condensed milk or ice cream that is not fresh and clean, and in such instance he may inspect barns or farm houses, creameries, factories, or other places where dairy products or utensils are produced,

HeinOnline -- 1913 308 1913

kept, stored, handled or sold, and he may give advice and instruction in the proper performance of the work, and he may prohibit the sale of unclean or unwholesome milk, cream, butter, cheese, condensed milk or ice cream.

May prohibit the sale of what.

It shall be his duty to condemn for food purposes all unclean or unwholesome milk, cream, butter, cheese, condensed milk or ice cream, wherever he may find them. This is to include all dairy products produced or manufactured where proper rules of sanitation are not observed.

To condemn what and when.

That where he condemns unclean or unwholesome dairy products said products must be so treated as to render impossible the manufacture or renovation of such products for human food.

Disposition of condemned products.

That he shall in all cases where he finds that the law as herein provided has been violated, it shall be his duty to so inform the County Attorney where the violation has been committed, and that said County Attorney shall then investigate the charges of violation of this Act, made in his county and to prosecute all cases where evidence of guilt is shown.

To advise county attorney of violations of this law.

Duty of county attorney.

That he shall preserve in his office all correspondence, records, documents and property of the State pertaining thereto, and turn over the same to his successor.

To preserve in his office, what.

It shall be the duty of the State Dairy Commissioner to compile and publish statistics concerning all phases of the dairy industry of the State, and that said statistics be mailed out by him so as to advertise and thereby encourage the dairy industry in this State, and that it shall be the duty of the said Dairy Commissioner to gather information and statistics regarding the possibilities of the dairy industry in the State, and to act in conjunction with the Bureau of Publicity of the State, and that they together advertise these statistics and information among the eastern farmers with a view to the settling up of the available lands of the State; that he also encourage the investment of outside capital for the establishment of factories, for the production of butter, cheese, condensed milk and other dairy products.

To compile statistics and distribute same.

Other statistics.

Duties in conjunction with bureau of publicity.

It shall be the duty of the State Dairy Commissioner to co-operate with and act in conjunction with the Montana State Agricultural College in the carrying

To act in conjunction with Montana state agricultural college, in what matter.

HeinOnline -- 1913 309 1913

out of the duties of his office as herein provided, and that they together hold farm institutes and special dairy meetings for the advertising of the production and manufacture of dairy products.

To enter for the purpose of inspection, at any time, what places.

The said State Dairy Commissioner and his Deputies are hereby authorized, and it shall be his duty to enter at any time all creameries, public dairies, cheese, condensed milk and ice cream factories, or other places where dairy products are manufactured, produced, stored or kept for sale or transportation, for the purpose of inspecting the same; to take samples anywhere of dairy products, or imitation thereof, suspected of being made or sold in violation of the law, and cause the same to be analyzed or satisfactorily tested by the chemist of the State Pure Food Department.

To take sample of suspected dairy products and have analized and tested.

To take samples in duplicate and give one to the manufacturer.

That the sample taken as above prescribed shall be taken in duplicate and one of the same delivered to the manufacturer of the dairy product so sampled. Due notice in writing shall be given to the manufacturer of the date and hour on which a sample will be tested or analyzed by the chemists of the State Pure Food Department so that the manufacturer or his representative may be present at such test or analysis.

Manufacturer to be notified when tests are to be made.

Power to examine under oath.

The State Dairy Commissioner or his Deputies shall have the power to examine under oath or otherwise, any person whom they believe has knowledge concerning the violation of any provision of this Act.

Annual reports to Governor.

The said State Dairy Commissioner shall make an annual report to the Governor not later than January first of each year.

"Sanitary" shall mean, what.

Section 4. For the enforcement of the sections of this Act "Sanitary" will mean that all creameries, dairies, butter, cheese, condensed milk, or ice cream factories, or any place where milk, cream or any of their products are produced, handled or stored within the State shall score as much as sixty-five percent of the government score card or modifications thereof, suitable to the conditions of Montana. Each inspector or person authorized by the State to make such inspection shall leave with the owner or proprietor a duplicate of score card.

Duplicate score card to be left with owner or proprietor.

Requirements of barns, stables or buildings in which cows are kept

All barns, stables or other buildings in which dairy cattle are housed or stabled, shall be of such proportion as to allow three hundred and fifty cubic feet of air space for each and every cow therein. All such build-

HeinOnline -- 1913 310 1913

Not to apply to what persons.

ings must be lime washed throughout at least once every year and have two square feet opening for every animal stabled therein, but the specifications as herein prescribed shall not be deemed to apply to persons who milk but five cows or less.

Manure to be removed once in 24 hours, and deposited not less than 50 feet of building, when.

All manure accumulating in such buildings to be removed at least once every twenty-four hours, and during the months May to September, inclusive, of each year, must be deposited at a distance not less than fifty feet from such buildings.

Record to be kept by commissioner.

The State Dairy Commissioner shall keep a record of each inspection with the address of the premises inspected, and shall record the number of cows kept and the quality of dairy products handled.

Milk defined.

Section 5. Definitions.—Milk is the fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than eight and one-half (8.5) per cent of solids not fat, and not less than three and one-quarter (3.25) per cent of milk fat.

Cows may be milked 5 days after calving.

Required analysis of milk.

Adulterated milk, under this act, defined.

Adulterated milk is milk containing more than eighty-eight (88) per cent water and less than eleven and three-quarters (11.75) per cent of total solids, eight and one-half (8.5 per cent solids not fat, and three and one-quarter (3.25) per cent fat, except milk for manufacture; milk which has been diluted with water or into which has been introduced any foreign substance whatever. This includes all substances added for the purpose of preserving, coloring and thickening milk or cream, or milk handled in an unsanitary manner.

"Cream" defined.

Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, fresh and clean, and contains not less than twenty (20) per cent of milk fat.

"Butter" defined.

Butter is the clean accumulated milk fat from unadulterated milk or cream with or without the addition of salt or coloring matter, containing not less than eighty-two and one-half (82.5) per cent of butter fat and not more than sixteen (16) per cent water.

"Cheese" defined.

Cheese is the sound, solid and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments, seasoning and coloring mat-

HeinOnline -- 1913 311 1913

ter and contains, in the water-free substance, not less than fifty (50) per cent of milk fat.

What is "Ice Cream."

Ice cream is a frozen product made from cream, gelatine and sugar, with or without flavoring, and contains not less than fourteen (14) per cent of milk fat, and not more than one (1) per cent pure gelatine.

"Oleomargarine," "butterine," "imitation butter" and "imitation cheese" defined.

Oleomargarine, butterine, imitation butter or imitation cheese are substances made in imitation of butter or cheese, but not entirely from pure milk or cream in the usual way. They may be construed to mean any article or substance into which any oil, lard or fat, not produced milk or cream enters as a component part.

Prohibiting the sale and offering for sale adulterated milk or cream, or the imitation of such articles, etc.

Section 6. Adulterated Milk.—No person shall sell or exchange or offer or expose for sale or exchange as milk or cream, any unclean, impure, adulterated or unwholesome milk, or unclean, impure, adulterated, colored or unwholesome milk or cream, or sell or exchange, or offer or expose for sale or exchange, any substance in imitation or semblance of milk or cream which is not milk or cream, nor shall they sell or exchange, or offer or expose for sale or exchange, any such substance as, and for milk or cream, or sell or exchange, or offer or expose for sale or exchange, any article of food made from such milk or cream, or manufacture from any such milk or cream, any article of human food.

Things to be deemed "offering for sale" of milk or cream.

Any person delivering milk or cream to any butter or cheese factory, condensing milk gathering station or railway station to be shipped to any city, town or village shall be deemed to expose or offer the same for sale whether the said milk or cream is consigned to himself or another. Each and every can thus delivered, shipped or consigned, if it be not pure milk or cream, must bear a label or card upon which shall be plainly and legibly stated the constituents or ingredients of the contents of the can. There shall be no limit to the percentage of fat contained in unadulterated milk or cream sold to creameries for the sole purpose of manufacture into butter.

Label required on impure milk or cream.

No one permitted, without consent of the owner, to use milk containers bearing the initials or name of the owner thereof.

Section 7. Milk, Cream or Ice Cream Vessels.—No person or persons shall, without he consent of the owner or owners, use, sell, dispose of or traffic in any milk cans, jar bottles or milk or ice cream receptacles belonging to any dealer or shipper of milk or milk products having the name or initials of the owner on

HeinOnline -- 1913 312 1913

such cans, jars, bottles or other receptacles. No person shall willfully mar, change or erase the name or initials stamped or fastened upon sealed milk receptacles or vessels for other purposes, nor place any other substance than milk or its products in them.

Alterations of name or initials stamped or fastened upon sealed milk containers or use for any other purpose.

Cleaning vessels before return.—Whenever any cans, vessels or other receptacles used in the transportation of milk, cream or their products are returned to the producer for a fresh shipment of the product, they must be thoroughly cleaned by washing, rensing and scalding, so as to make their condition sanitary and suitable as a receptacle for fresh milk and cream or their products.

Cleaning of milk retainers before re-using required.

No person shall place or suffer to be placed in any such can or receptacle any sweeping, dirt, filth or any animal or vegetable substance tending to produce or promote an unsanitary condition.

No one shall place in such receptacal any foreign substance, etc.

Milk, cream or ice cream shall not be handled in cans rusted inside.

Rusted cans shall not be used.

Section 8. Unsanitary places and appliances for milk.—No person shall produce or keep milk or any of its products intended for sale, or exchange in any building or place where conditions are unsanitary and unfavorable to the production of wholesome foods.

Keeping milk or any of its products in unsanitary or unfavorable places.

Section 9. Butter and cheese factories.—Operators of all co-operative butter, cheese and condensed milk factories shall keep their books open for inspection of any patron at all times, showing the daily amounts of milk and cream received and the per cent, and amount of fat in the milk and cream received from each patron, and the amounts of cream sold and butter, cheese, or condensed milk manufactured daily.

Co-operation butter, cheese and condensed milk factories to keep books open for inspection, showing what.

Every facility should be offered to the patron for keeping himself informed in regard to the business of the butter, cheese and condensed milk factory, and checking up his daily product with his returns.

Recommending that every facility should be offered patrons for informing himself of what.

Section 10. Reporting factories.—It shall be the duty of every cheese factory, creamery, butter and condensed milk factory, or skimming station, in the state, where milk or cream is purchased or contributed by three or more persons, to register the location of such cheese factory, creamery, butter, or condensed milk factory, or skimming station, and the name of its owner or manager with the Dairy Commissioner on or before the first day of April of each year. Before the organ-

Registration of factories of the products of milk required with dairy commissioner.

Notice of organization of new factory.

HeinOnline -- 1913 313 1913

ization of any new factory, notice shall be given at once to said Dairy Commissioner.

Examination and certificate of persons operating the Babcock test.

Section 11. Babcock test regulations.—Every person operating the Babcock test in any creamery or cheese factory or other place where milk or cream is bought and paid for on the basis of its fat contents shall be required to pass such examinations as the State Dairy Commissioner shall prescribe, upon the successful completion of which examination, he shall receive a certificate signed by said Commissioner, stating his competency to operate the said test.

Babcock test apparatus to be handled and calibrated by the state dairy commissioner, when.

All test bottles, pipetts and other glassware used in connection with the Babcock test where the fat formes a basis for the payment for the product, shall be handled and calibrated by The State Dairy Commissioner or his Deputies as often as the Commissioner may prescribe such testing, or calibrating to be done on the premises where such glassware is used.

Persons forbidden to falsely manipulate or under-read testing apparatus.

No owner, manager, agent, or employee of a cheese factory, creamery or condensed milk factory shall falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality of milk or cream, or to make any false determination of the said Babcock test or otherwise.

Strength of acids used in test.

All acid used in Babcock tests shall be of the strength indicated by the specific gravity reading 1.82 on the standard hydrometer.

Manufacture and sale of imitation butter, not made from milk or cream forbidden when colored.

Section 12. Imitation butter.—No person shall manufacture or sell or expose for sale as butter, any substance out of vegetable or animal fats or oils (not from milk or cream, colored in imitation of butter or any shade of yellow.

Plain mark, stamp or label required upon substance sold for butter not made from milk or cream.

All products made and sold or exposed for sale as butter substitutes and made either wholly or in part from any fat or oil other than from pure unadulterated milk or cream, shall be plainly marked, stamped or labeled on every package, so made, sold or exposed for sale, in plain black letters, one half inch vertical dimensions. "Oleomargorine." Hotels or Restaurants using imitation butter shall place placards, plainly legible from all parts of the dining-room, marked "Oleomargarine" or "Renovated Butter," as the case may be, "used here."

Placards to be used by hotels or restaurants using imitation butter.

Section 13. Mixing Extraneous fats with cream or butter.—No person shall manufacture, mix or com-

HeinOnline -- 1913 314 1913

pound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor made nor manufacture any oleaginous substance not produced from milk or cream, with the intent to sell the same as butter or cheese made from unadulterated milk or cream, or have the same in his possession with such intent; nor shall any person solicit orders for same or offer for sale, nor shall any such article or substance or compound so made or produced be sold as or for butter or cheese, the product of the dairy.

No person shall manufacture, or mix, compound or add to natural milk, cream or butter, with the intention of selling same as butter.

No person shall solicit orders or offer same for sale.

Section 14. Renovated butter.—No person shall sell any butter made by taking original packing stock or other butter or both, and melting the same and drawing off, or extracting the butter fat, and mixing such fat with skimmed milk, or cream or other milk product and re-churning or re-working such mixture; or any butter produced by any process commonly known as boiled process, or renovated butter, unless the words "Renovated Butter" shall be plainly branded with bold faced letters, at least one half inch in length, on top and sides of such receptacle, package or wrapper in which it is kept for sale or sold. And if such butter is exposed for sale, uncovered and not in a receptacle, package or wrapper, then a placard containing the words "Renovated Butter" shall be attached printed in style and manner, as aforesaid, to the mass of butter in such a manner as to be easily seen and read by purchasers; and in addition to such marking, the seller shall, at the time of sale, stamp the package with the words "Renovated Butter" in letters at least one half inch in height.

Sale of renovated butter forbidden.

Except when.

Placard to be used when renovated butter is held for sale, uncovered and not in receptacles, etc.

Stamp to be used on renovated butter when sold.

Section 15. Patent butter.—No person shall sell as pure butter any substance in which an abnormal quantity of casein or other ingredients have been incorporated.

Sale of butter containing abnormal quantity of casein.

Section 16. Imitation or filled cheese.—No person shall manufacture, deal in, sell, offer or expose for sale or exchange, as cheese any article or substance in the semblance of or in imitation of cheese, made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal, or offal fats or oils, or melted butter in any condition, or state of modification, of the same, or oleaginous substance of any kind not produced from unadulterated milk or cream shall have been introduced.

The manufacture, sale offering for sale or dealing in as cheese, imitations or oleaginous substances forbidden..

HeinOnline -- 1913 315 1913

Manufacturing with interest to sell imitation or compounded butter or cheese forbidden.

Section 17. Prohibition of coloring matter.—No person manufacturing with intent to sell, any substance or article in imitation or semblance of butter or cheese not made exclusively from unadulterated milk or cream, or both, with salt or rennet, or both, and with or without coloring matter or sage, but into which any animal, intestinal, or offal fats, or any oils or fats or oleaginous substance of any kind not produced from pure unadulterated milk or cream, or into which melted butter or butter in any condition or state, or any modification of the same, or lard or tallow shall be introduced, shall add thereto or combine therewith any annate or compound of the same, or any other substance or substances whatever, for the purpose or with the effect of imparting thereto a color resembling yellow, or any shade of yellow butter or cheese, nor introduce any such coloring matter or other substance into any of the articles of which the same is composed.

Butterine and oleomargarine or any compound of same shall not be colored or coated to resemble cheese or butter, or sell or offer to sell same.

No person shall coat, powder or color with annate or any coloring matter whatever, butterine, or oleomargarine or any compound of the same, or any product or manufacture made in whole or in part from animal fats or animal and vegetable oils not produced from unadulterated milk or cream by means of such product, manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with the intent to sell the same, nor shall he sell or offer to sell the same.

Sale of poisonous coloring matter for coloring dairy products forbidden.

Dairy food products containing poisonous matter.

No person or persons shall manufacture, sell, or expose for sale any poisonous coloring matter for coloring of dairy food products of any kind, nor shall any person or persons use in dairy products any poisonous coloring matter manufactured, sold, offered or exposed for sale within the State, nor shall any person or persons sell, offer or expose for sale any dairy food product, containing such poisonous coloring matter.

Skimmed milk can be sold as such, when.

When can must be marked "Skimmed milk."

Section 18. Sale of skim milk.—Notwithstanding the provisions of the preceding Section, milk from which cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skim cheese, or to a consumer as hereinafter defined; but in the latter cases only from vessels legibly marked with the words "Skimmed Milk" in plain black letters upon a light colored background, and each letter being at least one inch high and one half inch wide, and

HeinOnline -- 1913 316 1913

said words being placed on the top or side of each vessel. These requirements, however, shall not apply to skimmed or separated milk, delivered to any patron of the creamery who regularly sells milk to the proprietor thereof; but all the milk so delivered shall first be pasteurized at a temperature of at least one hundred and eighty (180) degrees Fahrenheit.

When requirements shall not apply.

Shall be pasteurized when.

Section 19. Trade marks.—When any dealer in dairy products wishes to retain for himself a name, brand or trade mark, the same may be registered with the State Dairy Commissioner, and on no account shall that name, brand or trade mark be used by another, unless duly consigned, given or sold to him by the originator or by the one to whom it belongs.

Registration of name, brand or trade mark.

Not to be used by another, except when.

Section 20. Weights and measures.—The standard measure of capacity for milk shall be the gallon containing two hundred thirty-one (231) cubic inches; the half gallon shall contain one hundred fifteen and five-tenths (115.5) cubic inches, and the quart one-fourth as much as the gallon, and the pint one-half as much as the quart.

Standard measure capacity defined.

Solid measure.—The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen (16) ounces (avoirdupois weight) to the pound when wrapped or put in container exclusive of the wrapper or container. Where weight and measures are stated in pounds and ounces, they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen (16) ounces, each ounce containing four hundred and thirty-seven and one-half (437.5) grains. Any person, persons, firms or corporation selling or offering for sale any article of dairy products as a pound, or any multiple thereof, the net weight of which is less than sixteen (16) ounces, or the proper multiple thereof to represent the number of pounds sold or offered for sale, shall be guilty of a misdemeanor; Provided, a reasonable variance be permitted, and that tolerances shall be established by rules and regulations made by the State Dairy Commissioner in accordance with the provision of this Act.

Standard weight measure of butter and cheese.

Pound, exclusive of wrapper.

Misdemeanor to sell by short weight.

Dairy commissioner may prescribe rules and regulation tolerating variance.

Section 21. Purchase of milk, cream or butter fat.—Any person, firm, co-partnership or corporation engaged in the business of buying milk, cream or butter fat for the purpose of manufacture who shall, with the intention of creating a monopoly, or destroying the busi-

Creating monopoly or destroying competition by discriminating in purchase of dairy products in different localities.

HeinOnline -- 1913 317 1913

ness of a competitor, discriminate between different sections, localities, communities or cities of this State, by purchasing such commodity at a higher price or rate in one locality than is paid for the same commodity by said person, firm, co-partnership or corporation in another locality after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture, shall be deemed guilty of unfair discrimination, and upon conviction thereof shall be punished by a fine of not less than Two Hundred Dollars ($200.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment for not less than thirty (30) days, nor more than twelve (12) months in the county jail or by both such fine and imprisonment for each offense.

Penalty.

Section 22. Any person or persons violating any of the sections of this Act, except Section 21, as provided elsewhere, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Five Dollars ($5.00) nor more than Two Hundred Fifty Dollars ($250.00) for each offense.

Penalty for violating any provision of Act excepting Section 21.

Section 23. All acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 24. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 13, 1913.

CHAPTER 78.

"An Act to establish a Montana State Highway Commission, Defining its Duties and Powers and Providing for its Compensation. Providing for a State Highway Commission Fund and Appropriating Money therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Within thirty days after the passage of this Act, the Governor shall appoint a Board of three Commissioners, who shall constitute and be known as the Montana Highway Commission, and shall consist of the following members:

Montana highway commission appointment of.

First: The Professor of Civil Engineering at the Montana State College of Agriculture and Mechanic Arts, (ex-officio)

Shall be composed of whom.

HeinOnline -- 1913 318 1913

Second: The State Engineer, (ex-officio)

Third: A Civil Engineer who is a trained and experienced road builder, who shall hold his office subject to the pleasure of the Governor, who shall act as Secretary of said Commission, who shall devote his entire time to the work and duties of said commission, and who shall receive a salary of not to exceed thirty-five hundred dollars ($3500.00) per annum.

Term of office of the civil engineer.

Shall act as secretary of commission and devote his entire time to the work and duties.

Maximum salary.

A majority of said Commission shall constitute a quorum and be empowered to act on all matters pertaining to the duties of said commission. Each ex-officio member of said Highway Commission shall receive a per diem of ten dollars while said commission is in session.

Quorum.

Ex-officio members to receive a per diem compensation of $10 while in session.

The members of said Highway Commission shall also receive their actual and necessary expenses while away from their respective residences in discharge of their duties and the same shall be audited and allowed by said commission when sworn to and accompanied by necessary vouchers and before the State Auditor shall be authorized to issue a warrant in payment for the same, provided, however, that no ex-officio member of said commission shall receive as compensation for his services and expenses a sum in excess of twelve hundred dollars, in any one year.

Traveling and necessary expenses.

Annual aggregate compensation of each ex-officio member not to exceed $1200 per annum.

Section 2. Within thirty days after their appointment, said Commission shall meet and organize and elect one of its members as Chairman and shall have a common seal. The members thereof shall have the power to administer oaths and shall be provided with a suitable office at the State Capitol. Said Commission shall hold regular meetings not less than once each month, and said office shall, so far as practicable, be kept open during business hours. Said Commission may also employ a stenographer at a salary of not to exceed seventy-five dollars ($75.00) per month, to serve during the pleasure of the said Commission.

Commission to meet and organize when.

Chairman and seal.

Power to administer oaths.

Regular monthly meetings.

Stenographer and salary.

The Commission shall keep a record of every vote and official act of said Commission, shall file and safely keep all maps and papers belonging to it. It shall be the duty of the said Highway Commission and their assistants to give such advice, assistance and supervision with regard to road construction, improvement and maintenance throughout the State as time and conditions will permit, and as the rules and regulations of

To keep record and file all papers and map.

Duty to give advice and assistance in road building.

HeinOnline -- 1913 319 1913

Expenses of employes while away from home on duty.

the commission may prescribe.

Employes of said commission shall, in addition to the salaries herein provided for, be allowed and paid their actual and necessary expenses while away from their respective residences in discharge of their duties under the direction of said commission.

Files and records open to public inspection.

All of the files and records of said commission shall, under responsible regulations, be kept open for public inspection, and certified copies thereof shall be received in evidence in any court.

Certified copies as evidence.

Attorney General shall be legal adviser.

The Attorney General of the State shall be an ex-officio attorney for the commission, and shall render to it such legal counsel, advice, and services as it may from time to time require.

Boards of county commissioners of each county shall furnish commission with duplicate maps of all roads in their respective counties when, and roads constitute boundaries between counties, etc.

Section 3. The Board of County Commissioners of each county in this State shall, within six (6) months after the passage of this Act, be required to have prepared duplicate road maps showing, with approximate correctness, all public roads within said county, and also all public roads which constitute a part of the boundary between same and adjoining counties, and designate thereon such as of said roads as are, by said board, deemed of sufficient public importance to justify their improvement under this Act, and which will, in their opinion, when so improved, provide an appropriate system of main or market roads within such county.

One copy of map to be filed with county recorder, who shall certify other to the state highway commission together with statement of what.

One of said maps shall be filed with the County Clerk and Recorder of such County, and the other, duly certified to by said County Clerk and Recorder, shall be by the board of County Commissioners forwarded to the office of the State Highway Commission, together with a statement of the location within such county of all deposits of road material and the nature and extent of the same so far as known, and said board shall forward to said Commission, on its request, samples of such material.

Samples of road materials.

Duty of highway commission in case county commissioners refuse to comply with requirements of this section.

If the Board of County Commissioners of any County shall fail to prepare such map and statement for the State Commission within the time stated, to forward said samples at its request, it shall be the duty of said Commission to procure the necessary information and samples and prepare such map for its office, and deduct the amount thus expended from the amount of the first appropriation to such county.

HeinOnline -- 1913 320 1913

Map of all public roads open in each county of state shall be kept on file open to public inspection and proposed roads of sufficient importance, etc., shall be kept in office of commission.

Section 4. The State Highway Commission shall, on or before January 1, 1914, prepare and keep on file in its office, subject to public inspection, a map showing all open public roads in each county in the State and in color, all roads and proposed roads which the said Commission deem of sufficient public importance to entitle them to state aid in their construction, maintenance and improvement under this Act, and which, when completed, will provide an adequate system of state roads to the various market and business centers of the State and connect such centers with each other.

Shall divide roads into those of primary importance and those of secondary importance.

Roads of primary importance shall first be improved or constructed.

The Highway Commission, co-operating with the County Commissioners of the respective counties, may divide such roads into two classes, one class to include those of primary importance, and the other of secondary importance and unless otherwise ordered the roads of primary importance shall be first constructed or improved, and the map so prepared shall be followed, unless otherwise changed by order of said commission.

State roads.

All roads constructed or improved under this Act shall be known and designated as state roads.

State highway fund created.

Section 5. For the purpose of state aid in the construction, improvement and maintenance of public Highways under this Act and for the maintenance and administration of said Commission there is hereby created a state road fund to be known as the State Highway fund.

Appropriation for state highway commission.

Section 6. There is hereby appropriated out of the general fund of the State, Five Thousand Dollars ($5,000.00), or so much thereof as may be necessary to pay the expenses of said commission and salaries and expenses of its employes until the amount credited to the State Highway Fund is available, and thereafter such salaries and expenses shall be paid out of the State Highway Fund.

All accounts and expenditures to be certified and paid by what persons.

All accounts and expenditures shall be certified by the chairman of said Commission and paid by the State Treasurer upon orders drawn by the State Auditor.

No member or employee of commission shall in any way be interested in any contract for construction, etc., of any road.

Section 7. No member of the State Highway Commission nor any person in the employ of the Highway Commission, shall be either directly or indirectly interested in any contract for constructing, improving or maintaining any road under this Act.

Section 8. On or before the first Tuesday in March

HeinOnline -- 1913 321 1913

Apportionment of state highway fund among different counties and notify the county commissioners thereof.

of each year, the Highway Commission shall apportion the State Highway Fund among the different counties of the State, as herein provided and shall immediately send a notice to the Board of County Commissioners of each county, stating the amount that each county shall be entitled to receive for said year, out of said fund: provided, however, that the estimates of the expense of the said Highway Commission, for the fiscal year be deducted from said fund before said apportionment be made.

What to first be deducted.

Method to be used in estimating portion of fund to be distributed to each county.

In making an estimate of the amount of the State Highway Fund, accruing to the several counties in the State, and determining the amounts to be expended in any one county, the said Highway Commission shall take into consideration the extent of the area in such county, the amount of money expended by it in road construction, the difficulty and expense of such road construction, and the extraordinary expenses connected with the development of new territory; provided, however, that no money shall be expended by said commission out of said funds upon roads within the corporate limits of any city or town, nor expended in any county in which the county commissioners of such county have not provided for the raising, by taxation by said county, of an amount equal to the amount set aside by the said Highway Commission for the construction, improvement and maintenance of state roads in said county, and in the event that the county commissioners of any county shall not within ninety (90) days after the mailing of the said notice above provided for, notify said Highway Commission of the amount said county will expend for said year upon state roads, the amount set aside for said county for said year may be distributed by the said Highway Commission among the other counties in the state which have so complied with the Act.

Places and counties in which commission shall expend no money.

When apportionment of any county may be distributed among other counties.

Duty of counties to pay for construction of state roads on boundary line between them and other county or counties.

In the event any road designated by the Highway Commission for improvement as a state road, is located on the boundary between two counties, it shall be the duty of the County Commissioners of each county to provide for the payment by the respective counties for the construction, improvement and maintenance of such boundary road, and, in case either of said counties shall fail to make the necessary provisions for the

HeinOnline -- 1913 322 1913

payment of its proportion of the construction, improvement and maintenance of said road, the Highway Commission may pay for the work expended upon said road, and deduct from the amount apportioned for state roads in the county failing to make such provision, such county's proportion of the amount paid by the state in the construction of said road.

In case either county shall fail therein duty of highway commission.

Section 9. As soon as practicable after the passage of this Act, the Highway Commission shall ascertain the location of the road material available throughout the several parts of the state and the best method of road construction for the various sections of the state, as far as the same may be practicable, and shall prepare and adopt such rules and regulations for the construction, improvement and maintenance of state roads as shall be most suitable for the requirements of, and bring the most practicable results to the several parts of the State.

Commission to ascertain facts concerning road materials, when.

To prepare and adopt rules and regulations for construction, improving, etc., of roads.

Such rules and regulations shall be printed and not less than fifty copies thereof forwarded to the county commissioners of each county in the state, for distribution therein.

Rules and regulations to be printed and 50 copies forwarded to county commissioners of each county.

Such rules and regulations may be amended from time to time, and on the first day of March in each year, not less than fifty copies of such amended rules and regulations shall be forwarded to the county commissioners of each county.

Rules may be amended when and no copies to be sent to county commissioners.

Section 10. The Board of County Commissioners of the several counties shall make the necessary surveys, establish grades, prepare plans and specifications and preliminary estimates of cost for all work upon state roads within their respective counties, in accordance with the rules and regulations adopted by the State Highway Commission and report the same to said commission. The State Highway Commission may make such changes therein as they may see fit, or adopt the same without change, or may order such further surveys, plans and specifications or estimates as in their opinion may be necessary, and said road shall be constructed or improved according to the plans, specifications and estimates finally approved by said commissioners.

Duties of county commissioners regarding surveys, plans, maps, estimates, etc., of state roads.

Power of highway commission regarding same.

Highway to be constructed according to what plans, etc.

All road construction, improvements or maintenance on state roads in the several counties shall be under

HeinOnline -- 1913 323 1913

Construction, improvements, etc., of state roads to be under supervision of whom in each county.

Subject to what.

Roads in boundaries of two counties.

Power of county commissioners to employ civil engineer and road builder.

Compensation.

Duties of engineer.

the direction of the Board of County Commissioners of the county in which the work is done, in accordance with the rules and regulations and subject to the supervision and approval of the State Highway Commission, provided, that if any such construction, improvement or maintenance is upon a road on the boundary between two counties the Boards of County Commissioners of said counties shall determine by mutual agreement the portion of said road to be constructed, improved or maintained by each, and if said boards cannot agree, said apportionment shall be made by the State Highway Commission. For the purpose of carrying out the provisions of this Act, the Board of County Commissioners of any county may employ a competent civil engineer and road builder who shall be paid for his services not to exceed $12.00 per day; who shall serve during the pleasure of said Board, whose duty it shall be, under the direction and control of said Board, to make all surveys, establish grades, prepare plans and specifications and estimates, supervise the construction and repair of all roads within the county; prescribe the time and place when and where all work shall be done on such road; report any delinquence or inefficiency of any road overseer or other person employed upon such roads to the Board of County Commissioners, and perform such other duties as may be prescribed by said Board.

Contracts to be let by whom on state roads.

All contracts for work on state roads shall be let by the Board of County Commissioners of the county where such work is to be done.

Notice for bids for contract where work is to exceed $1,000.00.

Contract to be let when.

All bids may be rejected and new bids called for or work done otherwise.

Where the estimated cost of such work exceeds one thousand dollars ($1,000.00) upon any road or part thereof, it shall be the duty of the County Commissioners letting such contract to give fourteen days' notice in one newspaper of general circulation in the county where the proposed road is located, or if located on the boundary line of two counties, in one newspaper of general circulation of each of said counties calling for sealed bids upon such work, and if the lowest responsible bidder does not exceed the estimate of cost the contract may be let to such bidder. All of the bids may rejected and new bids called for in the same manner, or the work may be done by day labor or convict or prison labor as may be deemed for the

HeinOnline -- 1913 324 1913

best interests of the general public.

Contractor's bond.

The contractor shall at once after being awarded a contract for construction, improvement or maintenance work on a state road, and before entering upon the work thereunder, execute to the people of the State of Montana bond in a penal sum equal to one-half of the amount of such contract price, with approved securities conditioned upon the faithful discharge of his duties under such contract.

Payments for contract work to be made how and by whom.

All payments made upon contract work upon state roads shall be made by the Board of County Commissioners of the county in which such road is located (except where the road is a county line between two counties, in which case each county shall pay its pro rata of the cost as fixed by the Highway Commission), upon estimates furnished by the engineer or superintendent in charge of such construction and approved by the Highway Commission, but at least 20 per cent of the amount of each estimate shall be withheld until the final completion and acceptance of the work, and then paid with the final estimate. The said Commission may from time to time, as work progresses under contracts on state roads, direct the State Auditor to draw warrant in favor of the treasurer of the county in which such work is being done, and charge the same to the amount set aside for such county.

Per cent to be withheld until when.

Power to pay part from time to time.

County commissioners to make annual reports to highway commissioners, when.

Section 11. The Board of County Commissioners of each county in the State shall, on or before December 30th. of each year, make to the State Highway Commission two detailed reports of all moneys expended by such county for the current year in the construction, improvement and maintenance of roads in said county. One of said reports shall cover all items expended upon state roads under this Act under the supervision and direction of the Highway Commission and the other report shall cover all moneys expended by the county for other roads in said county or upon the line thereof.

On seperate classes ofroads, named.

Additional matter to be contained in reports.

The said county commissioners shall also in such reports make recommendations as to the roads in said county which in their judgment should be improved or constructed the following year, under this Act, and report all new discoveries of road material, giving location, character and extent or amount of same as

HeinOnline -- 1913 325 1913

nearly as possible.

Duties of highway commission and state auditor regarding state highway funds apportioned to each county.

The State Highway Commission shall, on or before January 15th of each year, certify to the State Auditor the amount of the State Highway Fund which each of the counties is to receive for the current year under the provisions of this Act, and the State Auditor shall at once draw his warrant on said fund in favor of the County Treasurer of each county for the amount due the several counties in the state, remaining to the credit of such county.

Biennial report of state highway commission to Governor and contents.

Section 12. That the State Highway Commission shall on the first day of December preceding the biennial session of each legislature, make to the Governor a detailed report of the work of such commission for the time intervening between its prior report, and such suggestions and recommendations as to Legislation as will, in the judgment of the Commission, advance the interest of good roads in the State.

Repealing clause.

Section 13. All Acts and parts of Acts inconsistent with this act are hereby repealed.

Section 14. This Act shall take effect from and after its passage and approval by the Governor.

Approved March 13, 1913.

CHAPTER 79.

"An Act to Provide for the Protection of Fish and Game in the State of Montana; Defining the Term "Game Fish;" Amending Section 8792 of the Revised Codes of Montana of 1907, as Amended by Chapter 81 of the Session Laws of 1909, relating to the Manner of Catching Fish and Permitting the Use of a Seine in Certain Lakes and Rivers, and the Granting of Licenses for such Purpose; Amending Section 8793 of the Revised Codes of Montana of 1907, Relating to Licenses for Seining in Streams; Regulating the Stocking and Sale of Fish from Artificial Ponds and Lakes; Limiting the Number and Weight of Fish that may be Caught in one Day; Prohibiting the Deposit of Certain Substances in Streams and Lakes; Providing for the Construction of Fishways and Ladders at Dams; Making it Unlawful to Sell or Knowingly Receive Illegally Caught Fish; Providing for the Classification and Issuance of Fishing

HeinOnline -- 1913 326 1913

and Hunting Licenses, and Making it Unlawful to Fish or Hunt unless Obtaining a License therefor; Providing for Licenses to Those Engaged in Scientific Investigations; Granting Power to State Game and Fish Warden to Make Search and Seizure to Secure Evidence of Violation of Fish and Game Laws; and Providing for Disposition of all Birds, Fish, Animals, Hides, etc., Seized; Creating the Montana Fish Commission, and Granting Powers to said Commission for the Propagation and Protection of Fish and Game; Creating a Fund to be Known as the State Game and Fish Fund; Giving State Game Warden Authority to Establish Stations along the Banks of Lakes and Streams to Obtain Eggs of all Game Fish, and Prohibiting Fishing about such Stations; Providing for the Carriage, Storage and Handling of Fish and Game, and the Transportation of Necessary Attendants by Railroads and other Common Carriers Free, or at Reduced Rates in Certain Instances; Amending Section 8782 of the Revised Codes of Montana of 1907 Relating to the Time when and the Number and Sex of Deer that May be Killed; and Providing Penalties for the Violation of the Provisions of this Act; and Repealing all Acts and Parts of Acts in Conflict with the Provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Game fish defined.

Section 1. That whenever the term "Game Fish" is used in this Act, it shall be held and construed to mean the following named varieties of fish, to-wit:

Mountain or Cut-throat Trout (Salmo Clarkii);
Eastern Brook Trout (Salvilinus Fontinalis);
Grayling (Thymallus);
Rainbow Trout (Salmo Irideus);
Montana White Fish;
Steel-head Trout (Salmo Rivularis), and all the varieties of trout, except the Dolly Varden, or bull-trout, or char so called.

Section 2. That Section 8792 of the Revised Codes of Montana of 1907, as amended by Chapter 81 of the Session Laws of 1909, be, and the same is, hereby amended to read as follows:

Every person who takes or catches fish in any of the streams, lakes or ponds of this State, except with

HeinOnline -- 1913 327 1913

Catching fish by other ways than a hook, line and pole, not baited with poisonous substance, a misdemeanor.

a pole, line and hooks, or any person who takes or catches fish with a hook baited with any poisonous substance, or by means of dams, or by the use of fish-traps and grab-hooks, seins, or similar means for catching fish, is guilty of a misdemeanor.

Streams in which seine not less than 2½ inch mesh may be used.

It shall be lawful, however, to use a seine of not less than two and a half (2½) inch mesh in the following waters:—Ashly Lake, Flathead Lake, Whitefish Lake, Swan Lake, Dicky Lake, Smith Lake, and the Upper and Lower Stillwater Lakes in Flathead County, and Thompson Lake, Loon Lake, McGregor Lake in Lincoln County, and in the Pondera River, and Clark's Fork of the Columbia.

All fish taken by seine must be returned to the water excepting these named herein.

All fish so taken by seine, except bull-trout, char, or Dolly Varden trout, suckers, German carp, Lake Superior Whitefish and squaw fish, shall be returned to the waters from which they are taken, uninjured.

To use a seine in any streams named a license therefor must be obtained.

Any person desiring to use a net or seine for the purpose of catching fish, not herein designated as "Game Fish," in any of the lakes, ponds, rivers, or streams above mentioned, shall make application to the State Game Warden for a license so to do, stating thereon the lake, river, pond or stream in which the applicant wishes to catch fish by use of said net or seine; whereupon the said State Game Warden may,

Seining license fee.

in his discretion and upon the payment of a license fee of Five Dollars ($5.00), issue to the applicant a license authorizing said applicant to use one seine in any of the rivers, streams, ponds or lakes above mentioned, as applied for.

Tag to be issued and attached to the seine used.

And the State Game Warden shall issue with each license a metal tag, having a number thereon corresponding with the number of the license issued to said applicant, which shall be, by the license, attached to the seine so used, and shall remain onsaid seine during the time of use, and it shall be unlawful to use any net or seine unless said tag is attached, as herein provided.

License shall authorize what.

Said license shall authorize the person to whom issued to use the same for the purpose of catching and selling, within the limits of the State of Montana for consumption therein, any fish not herein named as "Game Fish."

License shall make monthly reports.

And the license shall make monthly reports of fish caught to the State Game Warden.

Term of license shall permit what.

The license herein provided for may be issued and remain in force for the term of one year from and after the date of issue, and shall authorize the

HeinOnline -- 1913 328 1913

holder to ship fish to any point within the State, and may, for cause, be revoked at any time by the State Game Warden. May be revoked by whom.

Said license shall be in substantially the following form:

License To Net Fish, No.

Office Of State Game Warden Helena, Montana. Form of license.

This will certify that I hereby license ..... of ....., County of ....., State of Montana, to take by means of a net, fish from the waters of that certain lake, river, stream or pond known as and called ....., in ..... County, Montana, for a period of one year; and that when said fish are so taken, that the said ..... may ship the same to any point within this State.

This license allows the taking of fish by means of a net having not less than three inch mesh in the waters above named; and that all fish defined by the law of Montana as "Game Fish" shall be returned to the waters from which taken without injury.

Witness My Hand, this ..... day of ....., ...

.....
State Game Warden.

The provisions of this Section shall be construed to apply to and amend Section 8793 of the Revised Codes of Montana of 1907, in so far as it refers to a license for seining in streams mentioned in said Section 8793. Section amends what law.

Any person violating the provisions of this Section, upon conviction, shall be fined in any sum not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00), or by imprisonment in the County Jail not less than ten (10) days nor more than ninety (90) days, or by both such fine and imprisonment. Penalty for violating section provisions.

Section 3. It shall be the duty of the State Game Warden to keep a record of all licenses issued by him for the use of a net for the taking of fish, showing the name of the applicant, the date of issue, the waters to be used in, and when revoked (should the same be so revoked), and to pay all fees received for such licenses into the State Treasury to the credit of the Fish and Game Fund. Should an application be made for a license by any person who has theretofore had a license Record of seining license, showing what, to be kept by game warden.

HeinOnline -- 1913 329 1913

Fees to be paid to credit of what fund.

License not to be issued to whom.

revoked for cause, it shall be the duty of the State Game Warden to refuse the same, and no license shall be issued to any person who has theretofore used any such license, or whose license has been revoked for cause.

Private ponds and lakes.

Section 4. If any person shall have or own a pond or lake, artificially created outside of the bed or course of a natural stream upon his own land, such person may have the right and authority, after stocking such lake with any number of fry, to catch fish therein for use or sale without any restriction whatever as to the manner of taking same, or sale of fish therefrom; provided, further, that such owner shall take out a license as provided for in this Section, and shall furnish a good and sufficient bond to the State of Montana in the sum of Two Hundred Dollars ($200.00) conditioned that he will not sell fish caught in any public waters of the State. It shall be the duty of the owner of any such artificial pond or lake so licensed to report to the State Game Warden the quantity of fish, eggs and spawn taken from said lake or pond, and to whom said fish, eggs and spawn were sold, every three months, commencing January first of each year. Any person violating the provisions of this Section, upon conviction, shall be fined in any sum not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00), or by imprisonment in the County Jail not less than ten (10) days, nor more than ninety (90) days, or by both such fine and imprisonment.

Owner to take out a license and furnish bond.

Reports required of such owners.

Owner violating provisions of this section.

License to be issued to owner of private pond or lake.

Fee.

It shall be the duty of the State Game Warden to issue to such owner of an artificial pond or lake, upon application and the payment of an annual license fee of Five Dollars ($5.00), a license in substantially the following form:

Form of license.

Owner of Pond License.

No. ..... Office of The State Game Warden,
Helena, Montana.

I hereby certify that ..... is the owner of an artificial lake or pond situated in ..... County, Montana; that he has paid a license fee of Five Dollars ($5.00), and is entitled for the period of one year from and after January 1, 19..., to take from said lake, fish and eggs or fry, and to sell the same in the open

HeinOnline -- 1913 330 1913

market, and to ship the same to any point within the State.

Witness My Hand, the day and year first above written.

.....

State Game Warden.

License in force how long.

Such license, when issued, shall be in force during the year for which it is issued, and until revoked for cause by the State Game Warden. Any license issued under this Section may be revoked at any time by the State Game Warden, should the person to whom the same is issued be convicted of a violation of the Laws of Montana with reference to the protection of fish and game.

May be revoked when and by whom.

Amount of game fish one person may catch during any one day.

Number of such fish which may be caught in one day.

What shall constitute a days fishing.

Limit of pounds of fish person may have in possession at any one time.

Penalty for violating any provision of this section.

Section 5. It shall hereafter be unlawful for any one person to catch from the public waters of this State more than twenty-five (25) pounds of any of the game fish herein mentioned in any one day (said weight to be computed after the cleaning of said fish), or more than ten or any such game fish which are less than six inches in length in any one day. It is hereby declared to be the intention of this Act to provide that twenty-five (25) pounds of game fish over six inches in length, and ten fish less than six inches in length shall constitute a day's fishing. And it shall be unlawful for any one person to be in possession of more than fifty (50) pounds of said game fish at any one time. Any person violating the provisions of this Section, upon conviction, shall be fined in any sum not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00), or by imprisonment in the County Jail not less than ten (10) days, nor more than ninety (90) days, or by both such fine and imprisonment.

Depositing sawdust, bark, shavings, oil, ashes, etc., in or on bank or near stream, lakes, etc., forbidden.

Section 6. No person or corporation, operating a saw mill on or near any stream, pond, lake or river, shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted or deposited, sawdust, bark, shavings, oil, ashes, cinders or debris in or near any such stream, pond, lake or river, or in such a manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and upon conviction, punished

HeinOnline -- 1913 331 1913

Penalty.

by a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the County Jail not less than thirty (30) days, nor more than six months, or by both such fine and imprisonment.

Fish or ladder way in streams required when.

Plans of.

Violating provisions of section.

Penalty.

Section 7. There shall be constructed at all dams now existing, or any that may be hereafter constructed on any of the streams of the State, when such is considered necessary by the State Game Warden, a fish-way or ladder to conform to the plans to be furnished by the State Game Warden. Any person or corporation who shall violate the provisions of this Section, shall, upon conviction, be fined not less than Two Hundred Dollars ($200.00), nor more than One Thousand Dollars ($1000.00), or by imprisonment in the County Jail for a period of not less than thirty (30) days, nor more than ninety (90) days, or by both such fine and imprisonment at the discretion of the Court.

Common carriers and agents forbidden to receive for transportation or offering for sale game fish, when.

Misdemeanor.

Penalty.

Persons having fish license may ship 25 lbs.

Section 8. Any person or persons, or the agent of any stage, express or railway company, or association of persons who shall receive, for transportation or carriage, or shall sell or offer for sale any of the game fish that have been taken or killed contrary to the provisions of this Act, knowing or having reason to know or believe that such fish were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00), or by imprisonment in the County Jail not less than ten (10) days, nor more than thirty (30) days, or by both such fine and imprisonment. Provided, however, that any person having in his possession a fishing license for the current year, may ship not to exceed twenty-five (25) pounds of game fish by express, stage, or freight, upon showing said license to the agent of any carrying company.

Unlawful to fish or hunt without a license.

Section 9. From and after the passing of this Act, it shall be unlawful for any person to fish or hunt within Montana, who, by the terms hereof, is required to have a license without first procuring a license of the class required for either hunting or fishing, as the case may be. Licenses for hunting and fishing shall be issued by the authority of the State Game Warden, and under his hand, from time to time, in the manner here-

HeinOnline -- 1913 332 1913

in provided, and in such form as he may adopt.

Licenses shall be divided into the following classes: Classes of licenses.

Class A. A General hunting and fishing license, as hereinafter described. General hunting.

Class B. Fishing licenses to those who are not citizens of the United States. Fishing license of non-citizen.

Class C. Hunting and fishing licenses to non-resident citizens, general and limited. Non-resident.

Class D. Hunting and fishing licenses to aliens, general and limited. Aliens.

No license shall be issued to, nor be required of any female, or of any male under fourteen years of age. Females and boys under 14 not required to have.

All other persons must procure a license before hunting or fishing within the limits of Montana as follows: All other persons.

1. A Class "A" license may be issued to a person who is a bona fide resident citizen of this State, and who desires to hunt, take, kill, catch and have in his possession any of the fish, game birds and wild animals of this State, except coyotes, wolves and mountain lions, upon the payment of One Dollar ($1.00): Fee for class "A" residents of state.

2. A Class "B" license may be issued to a person entitled thereto upon the payment of Five Dollars ($5.00): Class B: persons not citizens of United States.

3. Any citizen who is a non-resident of the State of Montana, who desires to hunt, take, kill, catch or have in his possession any of the wild animals, game birds and fish of this State, shall procure a license therefor, for which he shall pay the State Game and Fish Warden, or Deputy State Game and Fish Warden, the sum of Twenty-five Dollars ($25.00), and such license shall be a general license which shall entitle the holder thereof to hunt large or big game, small and feathered game, and to catch fish from the waters of this State; or the sum of Ten Dollars ($10.00) for a limited license, which shall entitle the holder thereof to hunt small and feathered game and to catch fish: Non-resident of state. Fee for general license. Limited license fee.

Non residents fishing license: A license to fish in the waters of this State shall be issued to any citizen of the United States not a resident of the State of Montana, upon the payment of a license fee of Two ($2.00) Dollars. Non-resident fishing license fee.

4. Any person who is not a citizen of the United States, and has not declared his intention to become such citizen, who desires to hunt, take, kill, catch or have in his possession any of the wild animals, game Foreigners.

HeinOnline -- 1913 333 1913

birds and fish of this State, shall procure a license therefor for which he shall pay the State Game and Fish Warden, or Deputy State Game and Fish Warden

Fee.

the sum of Thirty ($30.00) Dollars, and such license shall be a general license which shall entitle the holder thereof to hunt large or big game, small and feathered game and to catch fish from the waters of this State.

What licenses shall contain, and grant.

All licenses shall contain a complete description of the licensee, together with his age, business, residence and post office address, and shall grant to the owner thereof permission to fish, or hunt and fish, as the case may be, at a time and in a manner not prohibited by

Application for; requirements.

law. Every applicant for such license shall, upon applying for the same, state his occupation, residence and post office address, and shall place his signature in ink upon such license in a place designated by the officer issuing the same, which signature must be in the presence of such officer. The applicant shall pay the State Game and Fish Warden, or deputy, or the person issuing the license, the sum hereinabove mentioned, and such license, when issued, shall entitled the holder to hunt or fish, or to both hunt and fish, in accordance with the terms of the license held by him.

Non-resident hunting or having in possession certain animals without a license.

Any non-resident of this State, who shall hunt, take, kill, catch or have in his possession any of the wild animals, game birds or fish of this State, or any part thereof, without having taken out and being at the time in possession of a non-resident's license as provided in this Act, and in the case of large or big game, being entitled by virtue of the same to hunt for large

Misdemeanor.

or big game, shall be deemed guilty of a misdemeanor, and punished as hereinafter provided for in this Section. All citizens of the United States, who have lived

Who may be deemed resident citizens for purposes of this act.

in Montana for six months, all officers and soldiers of the United States Army, and all students at any institution of learning within the State of Montana, shall be deemed resident citizens for the purpose of this Act, as well as all Forest Rangers and Officers of the Forestry Department of the United States.

Penalty for violating any provisions of this section.

Any person violating any of the provisions of this Section, upon conviction, shall be fined in any sum not less than Twenty-five ($25.00) Dollars, nor more than Five Hundred ($500.00) Dollars, or by imprisonment in the County Jail not less than thirty (30) days, nor

HeinOnline -- 1913 334 1913

more than ninety (90) days, or by both such fine and imprisonment.

Duty officer or person issuing a license.

Section 10. Before issuing a license, it shall be the duty of the person issuing the same, to ascertain which class of license the applicant is entitled to receive, or desires to purchase, and for that purpose may require of the applicant a written statement in which shall be given all the facts necessary to be known, so that the proper amount may be collected and the proper form of license given to the applicant, and any false statement given, either in writing or otherwise, shall be deemed a misdemeanor and punished as hereinafter provided. Licenses may be issued upon written application to the State Game Warden, in which shall be stated the name and age of the applicant, his residence, height, weight, color of hair and eyes, occupation and post office address, and whether a resident or non-resident, citizen or not, upon the payment of the amount above stated for the class of license applied for. Any person violating any of the provisions of this Section, upon conviction, shall be fined in any sum not less than Twenty-five ($25.00) Dollars, nor more than Two Hundred ($200.00) Dollars, or by imprisonment in the County Jail not less than ten (10) days, nor more than thirty (30) days, or by both such fine and imprisonment.

May require written statement.

A misdemeanor to give any false statement.

Written application and requirements thereof.

Penalty for violating any provisions of section.

Scientific uses.

Animals may be taken or killed by whom.

Section 11. It shall hereafter be lawful for the duly accredited representative of any school, college, university or other institution of learning, who may be investigating a scientific subject making the same necessary, to take, kill, capture and have in his possession for such purpose, any of the birds, fish or animals found in this State, and to take, kill and capture the same in any way, except by the explosion of dynamite; provided that no more of any such birds, fish or animals shall be taken than are necessary for such investigation, and provided also that any person who shall desire to engage in such scientific investigation shall apply to the State Game Warden for a license so to do. If the State Game Warden is satisfied of the good faith of the applicant, he shall issue to him a permit, which shall place a time limit upon such investigation, and shall place a restriction upon the number of birds, fish or animals to be taken thereunder; and the person to whom such license is issued shall pay there-

Number permitted to be taken or killed.

Must have a license from game warden.

Fee.

HeinOnline -- 1913 335 1913

for the sum of Five ($5.00) Dollars, and shall have no right or authority to take, have or capture any other or greater number of the birds, fish or animals than are mentioned in said license. Any person violating the provisions of this Section, upon conviction, shall be fined in any sum not less than Twenty-five ($25.00) Dollars, nor more than Two Hundred ($200.00) Dollars, or by imprisonment in the County Jail not less than ten (10) days, nor more than thirty (30) days, or by both such fine and imprisonment.

Violation of provisions of section.

Penalty.

Section 12. It shall be unlawful for any person authorized by law to issue fishing or hunting licenses, to issue any temporary receipt, or other evidence of payment of money for a fishing or hunting license to be thereafter issued, and it shall be no defense to any prosecution for fishing or hunting without a license to make such payment, or to have such receipt; provided that in all cases when a license is applied for by a person entitled thereto to a person authorized to sell the same, and it is not possible, at the time, to deliver the same, such person shall issue an official receipt, which shall be furnished by the State Game Warden to all persons entitled to issue licenses; said official receipts shall be numbered consecutively, and shall be charged to the account of the Justice of the Peace, or Deputy Game Warden, to whom licenses are furnished for issuance; and said receipts, when replaced by licenses, shall be returned to the State Game and Fish Warden, or unused receipts and stubbs shall be returned at the end of the year to the State Game and Fish Warden to be credited to the account of persons to whom they have been charged. Any person violating any of the provisions of this Section, shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, or by imprisonment in the County Jail for not less than ten (10) days, nor more than twenty (20) days, or by both such fine and imprisonment.

Unlawful to issue any temporary receipts for license fees.

Temporary receipt no protection.

Receipts which may be given when impossible to issue license

Receipts, stubbs ad unused license to be returned when.

Misdemeanor.

Penalty.

Section 13. It shall be the duty of the State Game Warden and his deputies, a well as of all peace officers of the State, to discover and make complaint and cause proceedings to be instituted against any and all persons who violate the law with reference to the protection of fish and game in this State, and in all

Duty of game warden and all peace officers to enforce game laws of state, how.

HeinOnline -- 1913 336 1913

cases no bond for costs shall be required, but all such cases shall be prosecuted by the County Attorney of the proper county at the cost of the State.

Duty of county attorney.

Section 14. The Game Warden, or any deputy, as well as all peace officers, shall have power to search any person and to examine any boat, conveyance, fish basket, game bag, or game coat, or any other receptacle for game or fish, when he has reason to believe that he will thereby secure evidence of a violation of the law. The State Game Warden, or any of his deputies, shall, at any and all times, have the power and authority to seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at any time in a manner or for a purpose contrary to law, and such search and seizure may be made without warrent.

Power to search and examine persons, boats, conveyaces, fish baskets, game bags, etc., when.

Power to take birds, fish and game, when.

Section 15. All birds, animals, fish, heads, hides, teeth or other parts of any animal seized by any officer as herein provided, shall be sold, under the direction of the State Game Warden, or his deputies, at a time, place and manner so as to receive the highest price therefor. Such sales shall be made at public auction to the highest and best bidder, and the Game Warden, or his deputies, shall give notice of the time and place of such sale, together with a description of the bird, or birds, fish, animal, or animals, or parts or portions of animals to be so sold by one publication, at least, in a newspaper of general circulation published in the county where such sale is noticed to be held, and the date of sale shall not be less than five, nor more than thirty days after the last date of such publication; provided, that in cases where the property seized is perishable, the same may be sold by such officers without publishing a notice thereof, upon such public notice, and under such terms and conditions as, in the discretion of the officers, may seem conductive to secure the full value thereof.

All birds, game, fish and parts thereof seized to be sold when and how.

Sales shall be at public auction to highest bidder and after notice.

In case of perishable property seized.

Section 16. Upon the sale of such property, the officer shall issue a certificate to the party purchasing the same, certifying that the purchaser has the legal right to the possession of the same, and anyone so acquiring said property within the State shall have the right to deal therewith without further question with respect to violation of the law, anything herein contrary notwithstanding.

Certificate of sale and contests thereof.

HeinOnline -- 1913 337 1913

Disposition of proceeds of sale.

Section 17. The money obtained upon the sale of such property shall be paid over to the Court before whom the person having the same in possession at the time of seizure is prosecuted, or in which prosecution is pending, and if the person charged with violation of the law is found guilty before said Court of violation of the Fish and Game Laws of the State, the money received for the sale of said property shall be paid over to the State Treasurer, and be deposited by him to the credit of the Fish and Game Fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the Fish and Game Laws of this State, said money shall be paid to the party from whom said birds, animals, fish, or parts or portions thereof were taken. No officer shall be liable for any damage on account of any search, examination, seizure or sale as herein provided. Where wild animals, game birds or fish are seized as in this Act provided, and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such animals, game birds or fish, shall be paid direct to the State Treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the Fish and Game Fund.

Officer not liable on account of seizure, search, sale, etc.

Disposition of money arising from sale when offender not ascertained.

Cost of advertising notice of sale.

Record of confiscated property to be kept by game warden.

Section 18. It shall be, and is hereby made, the duty of the State Game Warden, and of every Deputy Game Warden, to make a full and complete record of all property by them, or either of them, confiscated because of a violation of the Game and Fish Laws of this State, showing in detail a description of the property, the person from whom it was confiscated, the price received therefor upon public sale, and the disposition of the money. The State Game Warden shall keep in his office a permanent record showing all property confiscated by him, or any of his deputies, and the disposition made thereof under the provision of this Act.

Record shall show what.

Laws re-enacted.

Section 19. That the Act approved March 8th, 1907, and amended by an Act approved February 11th, 1911, and the Act approved March 4th, 1911, all of said Acts relating to the creation of the Montana State Fish Commission, and prescribing the manner of the appointment of members thereof, and their term of office, be, and the same are hereby re-enacted; and that members of said Montana State Fish Commission shall continue in office for the term, or respective terms, for which

HeinOnline -- 1913 338 1913

they were respectively appointed, and until their successors may be appointed as herein provided, and shall hereafter be appointed, hold office and have authority to act, and shall be governed as herein provided.

Montana game and Fish commission to consist of whom hereafter.

Be It Further Enacted that from and after the enactment and approval hereof, said Montana Game and Fish Commission shall consist of the State Game Warden, and four members whose terms of office shall be four years, to be appointed by the Governor, by and with the approval and advise of the Senate; said appointments to be made from time to time as vacancies may occur.

Appointment.

Commission shall qualify how.

Section 20. Said Commission shall qualify in the same manner as members of other State Boards, and such Commissioners shall receive no compensation, except actual and necessary expenses while engaged in the discharge of their official duties; said actual expenses to be paid by the State Treasurer upon presentation to him of itemized bills therefor, duly verified as required by law, out of the Fish and Game Fund.

To receive no compensation, but shall be paid necessary and actual expenses, when.

Election of chairman and secretary.

Section 21. Said Commission shall annually elect one of their members as chairman, and one member as Secretary, and they shall sign all orders, minutes or documents for the Commission. They shall keep a correct record of all business transacted, and shall make a report biennially to the Governor.

Duty of officers.

Authority and power concerning state fish hatcheries.

Section 22. The Commission herein provided for is authorized, empowered and directed to secure the sites and plans for, and the construction and equipment of any hatchery authorized by law, and to locate the same at any suitable point within the limits of the State, when authorized so to do by law.

Further duties of fish commission concerning fish hatcheries.

Section 23. It shall be the duty of said Commission to procure suitable plans and specifications for any hatchery to be erected under authority of law, and shall cause the same to be built and completed in accordance with such plans and specifications, by contract; said contract to be let after published notice stating the time and place of letting the same, and where plans and specifications may be seen. Said notice shall be published not less than two weeks prior to the time of letting said contract, and said Commission, if not satisfied with the bids received, or for any other reason, may reject any and all bids received, and re-advertise as often as may be necessary. Any person to whom a con-

Notice of bids for contract to build.

Contractors bonds.

HeinOnline -- 1913 339 1913

tract may be given shall be required to give a good and sufficient bond, conditioned for the faithful performance and completion of such contract, the same to be approved by the Chairman, or some member of the Commission.

Fish commission to have general supervision of all hatcheries.

To appoint superintendents or directors.

Product to be used for what purpose.

Section 24. Said Commission shall have general supervision over all hatcheries in the State, and shall appoint and employ a Superintendent or Director of State Hatcheries, who shall act under the control of the State Board. The product of all State Hatcheries shall be used for the stocking of the lakes and streams of the State, and shall be for free distribution under the direction of said Board and the said superintendent or director.

Power and authority of Superintendents and directors.

Salary of superintendent.

Traveling expenses.

Section 25. The said Superintendent or Director, by and with the consent of the Board, shall have the power and authority to employ such help as may be necessary in the operation of the state hatcheries, in the gathering of eggs, or the performance of any other work in connection wtih the propagation and distribution of fish and fry; and said Superintendent shall receive for his services the sum of Two Thousand Five Hundred Dollars ($2500.00) a year, payable monthly, and reasonable traveling expenses, not to exceed Six Hundred Dollars ($600.00) in any one year.

How expenses of members of the board shal be paid.

Payment of salary of superintendent.

Other salaries and bills.

Section 26. All expenses of the members of the State Board of Fish Commissioners, while engaged in the work of the State, shall be paid by the State Treasurer, upon presentation of sworn account. The salary of the Superintendent or Director shall be paid without approval, and all other bills and salaries of employees, and expenses incurred in the conduct of the State hatcheries, shall be paid in due course after such bills been examined and approved by said Superintendent, and approved and allowed by the State Board of Examiners.

Purchase and selection of eggs.

Eggs from state waters.

Section 27. The Superintendent shall have power, by and with the consent of the Board, to purchase so many eyed eggs from time to time as may be necessary in order to keep the hatcheries of the State supplied with eggs and in full operation; the quantity and kind or species of eggs to be determined by the Superintendent; provided, however, that the Superintendent shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this State to supply said hatcheries, and for the purpose of so doing, shall have

HeinOnline -- 1913 340 1913

the right and authority to build, equip and use fish traps and nets at any and all seasons of the year in all the public waters of the State.

Monies to be paid into state fish and game fund.

Section 28. All moneys collected for licenses and all fines imposed and collected hereunder, shall be paid to the State Treasurer, and shall be by him kept in a fund to be known as the State Game and Fish Fund.

Fish and game warden to establish stations for taking fish eggs, where.

Section 29. The State Game and Fish Warden is hereby empowered and directed to establish, on the shores of lakes and the banks of streams, at such necessary and suitable places as may be designated by the Director of the State hatcheries, stations for the taking of the eggs of all game fish for the use of the State of Montana.

To establish and designate extent of stations along streams and post notice warning persons not to fish in designated territory.

In the order establishing such stations, it shall be the duty of the State Game Warden to designate in the order the approximate boundaries of the station so established, not more than one half mile in length along the banks of any stream, and not more than one half mile along the shore of any lake, and shall post notices in conspicuous paces on or along said station, warning all persons not to fish in the designated territory for a length of time to be designated within the months hereinafter stated.

Warnings to persons fishing in such territory by other authorized persons.

Violating warning.

Arrest and procedure.

Penalty.

It shall be also the duty of any person in charge of such egg-taking station, to warn all persons found fishing within the limits of such designated territory, to desist from fishing therein, and any person refusing to heed such warning, shall be deemed guilty of a misdemeanor, and may be immediately arrested by such person in charge of the station, or by any citizen, with or without a warrant, and immediately taken before a magistrate for trial and punishment; and such person, upon conviction thereof, shall be fined in any sum not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), or by imprisonment in the County Jail not less than ten (10) days, nor more than twenty (20) days, or by both such fine and imprisonment. Provided, however, that the station for the taking of eggs of Eastern Brook Trout shall only be established during the months of October, November and December of each year, and stations for the taking of eggs of Grayling, Mountain, Rainbow or Steelhead Trout shall only be established during the months of March, April, May, June and July of each year.

Months during which stations for taking different eggs may be established.

HeinOnline -- 1913 341 1913

Transportation at reduced rates and free of charge of property of state or the United States not prohibited.

Section 30. That nothing in the provisions of Chapter 4 or 5, Title VIII. of the Political Code of the Revised Codes of Montana of 1907, or of Chapter 136 of the Session Laws of the Twelfth Legislative Assembly, or in any of the other provisions of the Laws of Montana, shall be construed to prevent, or shall prevent, the carriage or storage or handling of property, by railroads or other common carriers, free or at reduced rates, for the Government of the United States, or of the State of Montana, or for the owner or owners of any fish hatchery within this State, or of any anglers' association, or Sportsmen's club organized and existing therein, or of the State Fish and Game Warden, whenever such property is being used for the exclusive purpose of stocking or planting with fish or fish eggs the waters within the State of Montana, or restocking the ranges and forests of the State of Montana with elk, deer, mountain sheep, mountain goats, grouse, ducks or any of the so-called game animals or birds; and nothing therein shall be construed to prevent, or shall prevent, the issuing of free transportation to, or the free carriage of, or the selling of tickets at reduced rates to any and all persons while actually engaged in transporting fish or fish eggs, or stocking or planting the waters of this State with such fish or fish eggs, or to any and all persons while actually engaged in transporting and caring for any of the game animals or birds herein mentioned for restocking the ranges, forests and public parks of this State.

Or for owners of fish hatcheries in state, or other persons named.

Transportation of persons free or at reduced rates.

Amending Section 8782, Revised Codes of Montana, 1907.

Section 31. That Section 8782 of the Revised Codes of Montana of 1907, be and the same is amended so as to read as follows:

Open season for killing deer.

Section 8782. Any person, who shall, between December first of any year and October first of the following year, willfully shoot, wound or kill, or cause to be shot, wounded or killed, any deer or who, in the open season of any calendar year, shoots or kills, or causes to be shot or killed, more than three deer, one of which may be a doe and the other two of the horned variety or all three may be of the horned variety, is guilty of a misdemeanor, and any person, during the open season, who is in possession of the carcass of a fawn deer, or more than one doe deer, and two deer of the horned variety, or three deer, all of the horned variety, or the carcass of any deer from which all the natural evidence

Number which one person may kill in one season.

Misdemeanor.

Persons during open season in possession of carcasses of deer, etc., guilty of misdemeanor when.

HeinOnline -- 1913 342 1913

of sex have been removed, is guilty of a misdemeanor and upon conviction of any of the provisions of this section, shall be fined in any sum not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1000.00), or by imprisonment in the County Jail not less than sixty (60) days, nor more than one year, or by both such fine and imprisonment at the discretion of the court. Penalty.

Section 32. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 33. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1913.

CHAPTER 80.

"An Act to promote the safety of passengers and employees on street railway cars and trolly cars, and to provide for the use of certain safety appliances on all street railway cars or trolly cars used in regular service of conveying passengers in this State, and prescribing penalties for failure to comply with the provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. On or before September 1st 1913 all double track street railway, electric cars or trolly cars, so called, conveying passengers in the State of Montana shall be fitted with at least two independently operating brakes, one of which must be mechanical, such as air brake, electric short circuiting brake or electric-magnetic brake. Brakes required on double track street railways after Sept. 1, 1913.

Section 2. Any corporation or person owning and operating street railway cars, electric or trolly cars, failing to comply with the provisions of this act, shall be liable to a fine of ten ($10.00) dollars per car for each day operated without such equipment. Penalty.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after September 1st, 1913.

Approved March 13, 1913.

HeinOnline -- 1913 343 1913

CHAPTER 81.

"An Act providing that no license shall be required for moving picture shows in places having a population not exceeding one thousand five hundred.

Be it enacted by the Legislative Assembly of the State of Montana:

Licenses shall not be required for operating moving picture shows where.

Section 1. No license shall be required for the operation or exhibition of moving picture shows in any city, town or village where the population does not exceed one thousand five hundred. In all other cities the license shall be $25.00 per year

License fees in other places.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 13, 1913.

CHAPTER 82.

"An Act to Regulate the Practice of Veterinary Medicine and Surgery in the State of Montana; and to Establish a Board of Examiners in Veterinary Medicine and Surgery; and to define offenses committed contrary to the provisions of this Act; and providing penalties for the violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

State board of veterinary medical examiners created; Governor to appoint.

Section 1. State Board of Veterinary Medical Examiners. That there be and is hereby created a State Board of Veterinary Medical Examiners to be appointed by the Governor of the State of Montana, which shall

To be composed of whom, and qualifications.

consist of three reputable practitioners of vereniary medicine and surgery, who shall have graduated from some college authorized by law and recognized by the American Veterinary Medical Association to confer degrees, and each of whom, shall, after the first board has been appointed, be licensed under this Act. The

Terms of office.

appointments first made shall be one for one year, one for two years, and one for four years, and, thereafter, appointments shall be made for the term of four years. The Montana State Veterinary Medical Society shall,

Nominations by Montana state veterinary society.

at each annual meeting, nominate twice the number of examiners to be appointed that year on the Board. The names of such nominees shall be annually transmitted

Appointments to be made when.

under seal by the president and secretary prior to May

HeinOnline -- 1913 344 1913

1st, to the Governor, who shall, prior to August 1st, appoint from such lists the examiners that will be required to fill any vacancies that will occur from expiration of term on July 31st. Any other vacancy, however, occurring, shall likewise be filled by the Governor for the unexpired term. Each nominee, before appointment, shall furnish to the Governor proof that he has received a degree in veterinary medicine from an authorized veterinary medical school and that he has actually and legally practiced veterinary medicine in this State for at least two years. If no nominees are legally before him from the Society, the Governor may appoint from members of the veterinary profession in good standing in Montana without restriction. The Governor may, after due notice and hearing, remove any examiner for misconduct, incapacity or neglect of duty.

Vacancies filled by Whom.

Proof of qualifications before appointment.

Removal after hearing.

Section 2. Certificate of Appointment; Oath; Officers; meetings; Quorum; Powers. Every veterinary medical examiner shall receive a certificate of appointment from the Governor, and, before beginning his term of office, shall file with the Secretary of State, the Constitutional oath of office. The Board shall annually elect from its members a president, vice-president and secretary-treasurer, and shall hold two regular meetings each year. At any meeting a majority shall constitute a quorum. If any member of the Board shall, without cause, absent himself from two of its regular meetings consecutively, his office shall be deemed vacant. The Board may take testimony and proofs concerning all matters within its jurisdiction. The Board may make all by-laws and rules not inconsistent with law needed in performing its duties.

Certificate of appointment.

Oath of office.

Annual election of officers.

Quorum.

When office deemed vacant.

Power to take testimony and make by-laws.

Section 3. Expenses; Record; Bond; Moneys; Report. Each member of the Board shall be entitled to receive all necessary traveling and incidental expenses, provided such expenses shall not exceed the amount in the treasury during any fiscal year. The secretary-treasurer shall receive an additional salary to be fixed by the Board and not to exceed one hundred and fifty dollars per annum, ($150.00 per annum). The secretary-treasurer shall give bond in such sum and with such conditions as the Board may from time to time direct. The Board shall keep full and complete minutes of its proceedings and of its receipts and disburse-

Traveling expenses. Salary of secretary and treasurer.

Official bond of secretary and treasurer.

Records to be kept by the board to be public.

HeinOnline -- 1913 345 1913

ments, and a full and accurate list of all persons licensed and registered by it, and such records shall be public records, and shall, at all times, be open to public inspection. The secretary-treasurer of said Board shall be the legal custodian of all moneys received for licenses or certificates of registration, as provided by this article, up to and including the sum of one thousand dollars ($1,000.00) which shall constitute a trust fund to be used, besides salaries and other expenses of the Board, in carrying on prosecutions under the provisions of this Act. If, at any time, the amount of money received, after deducting such salaries and expenses, shall amount to more than one thousand dollars ($1,000.00), the secretary-treasurer shall forward the same to the Treasurer of the State of Montana, and receive his official receipt for same. Said Board shall, not later than July 15th, of each year, submit to the Governor a full and complete report of its proceedings during the twelve months immediately preceding.

Funds to be kept by whom, and how used.

Annual report of board.

Who shall make application for license to practice.

Section 4. Application; Examination; Fees. Any person desiring to begin the practice of veterinary medicine or veterinary surgery in the State of Montana, or who shall desire to hold himself or herself out to the public as a practitioner of veterinary medicine or veterinary surgery, except as provided in Section Ten of this Act, shall make application to said Board of Examiners for license so to do. Such application shall be upon a form furnished by said Board, and shall be accompanied by satisfactory evidence of the good moral character of the applicant, and shall present evidence of having graduated in and received a degree from a legally authorized veterinary medical school recognized by the American Veterinary Medical Association; said school or college having a curriculum requiring a three-year course or its equivalent for graduation. On application, the diploma of said applicant shall be submitted to said Board for inspection and verification. Every person applying to said Board for license to practice shall pay to the Board the fee of ten dollars ($10.00) which fee shall in no case be refunded, and which shall become a part of the funds of the treasury of the Board. Said Board shall, by means of examination, either oral or written as the Board may determine, ascertain the professional qualifications for license of all applicants under this Act, and shall issue such license to all who are found upon

Form and requirements of applications.

Application fee.

Examinations.

License to be issued to whom.

HeinOnline -- 1913 346 1913

examination to be in the judgment of said Board competent to practice, and no such license shall be issued to any person who is not found by such examination to be competent. Such examination shall be held at a time and place or places specified by said Board, and shall include suitable questions for a thorough examination in comparative anatomy, physiology and hygiene, in chemistry and veterinary surgery, obstetrics, pathology and diagnosis and therapeutics, including practice and materia medica, bacteriology, parisitology and other branches deemed advisable by the Board. Said Board shall consecutively number all applications received and note upon each the disposition made of it and preserve same for reference, and shall number consecutively all licenses issued. Provided that veterinarians holding a diploma from a recognized veterinary medical school, who are at the time of the passage and approval of this Act engaged in the practice of veterinary medicine in the State of Montana, shall be entitled to a license without such examination. Any candidate failing in one subject, with a general average of eighty per cent in the others may be re-examined in that subject at any regular examination; failing in one subject with a lower average or in two or more subjects, may be admitted to a subsequent examination on original fee after six months have elapsed and must then take the examination in all subjects. The Board may issue temporary license to such candidate, allowing him or her to practice pending the successful passage of an examination.

Time and place and course of examination.

Applications to be numbered and marked.

Licenses to be numbered.

Who, now practicing in state, shall be entitled to a license without examination.

Who may be re-examined after failure, and when.

Temporary license.

Section 5. Application for license as Farrier. Any person desiring to begin the practice of treating domestic animals in the State of Montana under the title of Farrier, shall make application to said Board of Veterinary Medical Examiners on or before July 1, 1913, so to do. Such application shall be upon a form furnished by said board, and shall be accompanied by the fee prescribed in Section 4 of this Act, and satisfactory evidence of the good moral character of the applicant, who shall present satisfactory evidence of having resided in the State of Montana for a period of twenty-four months immediately previous to the passage and approval of this Act, and of having treated domestic animals as a part of his or her avocation during that period, and a license shall be granted. Such license shall

Farriers shall make application before when.

Form and fee of application and accompanying evidence.

HeinOnline -- 1913 347 1913

License granted.

entitled him or her to all the rights and privileges of this Act, except those contained in Section Eight.

Farrier defined.

Section 6. Farrier Defined: Qualifications for practice. Any person who has had experience in treating diseases of domestic animals.

When license to be issued.

Section 7 License; Certificate of Registration; Fee; Revocation. The State Board of Veterinary Medical Examiners will, at the conclusion of a regular examination, if in their judgment the applicant is duly qualified therefor, issue a license to practice veterinary medicine and surgery or farriery. Every license so granted by the Board shall be issued under seal and shall be signed by each acting Veterinary Medical Examiner of the board, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, veterinary medical education, and all other matters required by law, and that after full examination he or she has been found duly qualified to practice. Each person licensed by the Board to practice veterinary medicine or veterinary surgery or farriery in this State, shall procure from the Secretary of the Board, on or before July 1st, annually, his certificate of registration. Such certificate shall be issued by the secretary upon the payment of a fee to be fixed by the Board, not exceeding the sum of two dollars, ($2.00), and certificates so issued shall be prima facie evidence of the right of the holder to practice veterinary medicine or veterinary surgery or farriery in this State during the time for which they are issued. Any certificate of license, granted by the Board, may be revoked upon conviction of the party holding such certificate or license, of a violation of any of the provisions of this Act.

Licenses to bear seal of board and be in what form.

Annual certificate of registration. Fee of registration.

Certificate prima facie evidence of what.

License may be revoked when and by whom.

License and certificate to be displayed in usual place of business.

Section 8. Display License and Certificate; Arrangement with other Boards. Every person practicing veterinary medicine or veterinary surgery in the State of Montana, or representing himself as so practicing, shall display or cause to be displayed conspicuously in his or her usual place of business, license or certificate of registration issued to him or pursuant to the provisions of this Act. The Board of Examiners shall make arrangement with similar boards in the several states in so far as practical, whereby due credit for State and Territorial licenses will be allowed in the State of Montana to such licensees of said board as desire to secure license or practice veterinary medicine or surgery in

Arrangements to be made to honor licenses granted by other states, and by other states of Montana licenses.

HeinOnline -- 1913 348 1913

this State, and whereby licensees of the Board of Veterinary Medical Examiners in this State will secure due credit for license issued by said Board, whenever such licensees desire to secure license to practice in any other State or Territory; but no arrangement shall be made under the provisions of this section which will be liable to lower the standard of practice of veterinary medicine or surgery in the State of Montana. The Board may, if deemed necessary, require an examination of applicants for license from other states after careful consideration of credentials from such states.

But standard required in this state shall not be lowered thereby.

Examination may be required of licensee of other states.

Section 9. Veterinary Medicine and Surgery Defined; Qualifications for Practice. Any person shall be regarded as practicing veterinary medicine or surgery in the State of Montana, who shall append or cause to be appended to his name upon any display or advertisement published the letters V. S., D. V. M., V. M. D., M. D. C., D. V. S., or M. R. C. V. S., or the words, "Veterinary," "Veterinaryan," "Veterinary Surgeon," Veterinary Dentist," "Veterinary Horse-shoer," "Horse Dentist" or Horse Doctor," or who shall publicly profess to do any of these things, directly or indirectly, as a veterinarian. No person shall practice veterinary medicine or veterinary surgery, or farriery, in the State of Montana after July 1, 1913, unless licensed by the State Board of Veterinary Medical Examiners of the State of Montana and registered as required by this article; nor shall any person practice veterinary medicine, surgery, or farriery, whose authority to practice is suspended or revoked by said Board.

Who shall be regarded as practicing veterinary medicine or surgery.

Shall not practice as a veterinary or farrier without a license and registration.

Section 10. Revocation of Certificate. On hearing, the Board may revoke any certifiate which is obtained by fraud or where the holder is guilty of gross moral or professional misconduct.

Revocation of certificate.

Section 11. Construction of this Article. This article shall not be construed to effect commissioned veterinary medical officers serving in the United States Army or in the United States Bureau of Animal Industry while so commissioned; or any person doing castrating or spaying, or giving gratuitous services; or any person treating an animal belonging to himself as the case may be; or any lawfully qualified veterinarian in other states or any foreign country meeting legally registered veterinarians in this State in consultation; or any veterinarian residing on a border of a neighboring state and

This article not construed too embrace persons named.

HeinOnline -- 1913 349 1913

duly authorized under the laws thereof to practice veterinary medicine therein, whose practice extends into this State, and who does not open an office or appoint a place to meet patients or receive calls within this State.

Practicing without lawful registration.

Penalty.

Who may bring action to recover penalty.

Payment of costs and expences thereof.

Practicing under false or assumed name a felony.

Trading in veterinary medical diplomas, license, etc.

Other unlawful acts prohibited.

Section 12. Penalties and their Collection. Every person who shall practice veterinary medicine or farriery within this State without lawful registration or in violation of any provisions of this article shall forfeit to the county wherein such person shall so practice, or in which any violation shall be committed, not to exeed fifty dollars ($50.00) for every such violation, and for every day of such unlawful practice, and any incorporated veterinary medical society of the State may bring action in the name of such county for the collection of such penalties, and the expense incurred by such society in such prosecution, including necessary counsel fees, may be retained by such society out of the penalties so collected, and the residue, if any, shall be paid into the county treasury. The State Board of Veterinary Medical Examiners may, out of the funds in the treasury, when sufficient proof is before them, begin proceedings for prosecutions under the provisions of this Act, independent of such state societies. Any person who shall practice veterinary medicine or farriery under a false or assumed name, or who shall falsely personate another practitioner of a like or different name, shall be guilty of a felony; and any person guilty of violating any of the other provisions of this article, not otherwise specifically punished herein, or who shall buy, sell or obtain any veterinary medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice veterinary medicine or farriery under cover of a license or diploma illegally obtained, or signed or issued unlawfully under fraudulent representation, or mistake of fact in material regard, shall attempt to practice veterinary medicine or farriery, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume or advertise any veterinary title in such manner as to convey the impression that he or she is a lawful practitioner of veterinary medicine or farriery shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not

HeinOnline -- 1913 350 1913

more than fifty dollars, or by imprisonment in the county jail not more than twenty-five days, or both such fine and imprisonment. Penalty.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 14. Whereas an emergency exists, this Act shall take effect immediately upon its passage and approval as provided by law.

Approved March 13, 1913.

CHAPTER 83.

"An Act to Provide for the Regulation of Sale of Articles by Weight, Measure or numerical count within the State of Montana; Creating the Office of State Sealer of Weights and Measures, Providing the Duties and Powers of such State Sealer of Weights and Measures; Providing Penalties for the Violation of the Provisions of this Act, and Repealing the Provisions of Chapter 34 of the Laws of the Twelfth Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Secretary of State is hereby declared to be and is the ex-officio state sealer of weights and measures. The sealers of weights and measures of each municipal corporation are hereby declared to be deputy sealers of weights and measures of their respective municipal corporations. All deputy sealers of weight and measures shall receive no compensation other than such as may be provided by law and shall be paid by the municipal corporation of which they are such officers.

Secretary of state is ex-officio state sealer of weights and measures.

Who shall be deputy sealers of weights and measures.

Compensation of deputies to be paid by whom.

Section 2. (a) The state sealer of weights and measures shall have full authority and supervision over all inspectors of weights and measures hereafter appointed under this act and all deputy sealers of weights and measures appointed as such, by any municipal corporation within the state. Said state sealer of weights and measures shall have general supervision over all the weights and measures of the state. He shall take charge of the standards of weights and measures and shall procure at the expense of the state any weights and measures that may be necessary and shall cause them to be kept and in no case removed from a fire proof vault in his office except for the purpose of cer-

State sealer to have authority and supervision over whom.

Authority and duties.

HeinOnline -- 1913 351 1913

Shall maintain in good order and have standards tested every ten years.

Shall correct Standards of counties, cities and towns at least every five years.

tification or repairs. He shall maintain said standards in good order and shall submit them once in ten years to the National Bureau of standards for certification. He shall correct the standards of the several counties, cities and towns as often as he may deem necessary and at least as often as once in five years and where not otherwise provided by law, he shall have general supervision of the weights and measures or measuring and weighing devices of the state in use in the state.

Authority to create weights and measure districts.

Inspectors may be appointed for each district.

Salary of and expenses of inspectors to be paid by the districts how.

Inspector may be transferred to another district.

Salary to be paid or advanced monthly to inspector by what county.

(b) The State Sealer of Weights and Measures shall have authority to create weights and measures districts, comprising and consisting of two or more counties contiguous to each other, whenever in his judgment the operation or enforcement of the weights and measures law will be subserved thereby. The Sealer of weights and measures shall be and is hereby given authority to appoint a qualified person to act and serve as the inspector of weights and measures in each of said districts. The inspectors of weights and measures shall each receive a salary of $125.00 per month and all necessary expenses incurred in performing the duties of their office, which said salary and expense shall be charged against the said district, to be paid pro rata by each of the several counties, comprising such districts: Provided, that the said State Sealer of Weights and Measures shall be and is hereby given the authority to transfer the inspectors of weights and measures from any one district created under the provisions of this Act, to any other district so created; Provided, that the County within which the inspector of weights and measures for a particular district has his residence shall pay and advance the salary and expenses of the said inspector for the said district each month, and the county advancing such salary and expense shall be reimbursed, pro rata, by the other county or counties comprising such district, upon the presentation of the claim, accompanied by the sworn statement from the County Clerk of the County so paying and advancing such salary and expense.

Boards of county commissioners of adjoining counties may apply for appointment of inspector and creation of a district, when.

(c) The Boards of County Commissioners of any two or more adjoining and contiguous counties may apply to the State Sealer of Weights and Measures to create from such adjoining and contiguous counties a weights and measures district, where no such district has been previously created from such adjoining and

HeinOnline -- 1913 352 1913

contiguous counties, or any of them; and it shall be the duty of the State Sealer of Weights and Measures to create such weights and measures district, if in his judgment the operation and enforcement of the weights and measures law will thereby not be impaired or retarded.

Municipal deputy sealer may be ordered removed by state sealer when, and may put district inspector in charge.

(d) The State Sealer of Weights and Measures shall be and he hereby is empowered to order and direct the removal of any municipal deputy sealer of weights and measures or any inspector of weights and measures; and the said sealer of weights and measures may, in his discretion, put in charge of the inspector of weights and measures for the district in which any municipal corporation exists, having a deputy sealer of weights and measures, the work to be performed by the said deputy sealer of weights and measures, whenever in his judgment the operation of the weights and measures law will be better enforced.

State Deputy sealer of weights and measures.

Section 3. The Secretary of State as Ex-officio State Sealer of Weights and Measures is hereby authorized to appoint one state deputy sealer of weights and measures, which said state deputy sealer of weights and measures shall receive a salary of $150.00 per month and all the necessary expenses incurred in the conduct of the duties of his office. The said state deputy sealer of weights and measures shall be the chief of the department of the weights and measures, under the direction and control of the Secretary of State as sealer of weights and measures ex-officio. The state deputy sealer of weights and measures and the inspectors of weights and measures under his supervision, shall have authority to do and perform any and all acts by this act authorized. All bills and accounts of expense incurred by the state deputy sealer of weights and measures and by the inspectors of weights and measures shall be presented to and allowed by the State Board of Examiners, in the same manner as provided for other claims, contracted for and in behalf of the State of Montana.

Salary and expenses.

To be chief of department.

Authority of state deputy and inspectors.

Presentation and allowance of bills and accounts.

Visits to various counties, cities and towns.

Section 4. Said state sealer of weights and measures or his inspectors, shall visit the various counties, cities and towns in the state and in the performance of his duties, he, or his inspectors, may inspect weights and measures and balances which are used for buying or selling goods, wares, merchandise or other commodities

Power to inspect weights, measures and balances.

HeinOnline -- 1913 353 1913

To inspect and test annually, at least, weights and measures used by state institution.

and for public weighing, and shall upon a written request of any citizen, firm or corporation or educational institution of the state, test or calibrate weights and measures, weighing devices or apparatus used as test standards in the state. He or his inspectors shall at least once annually test all scales, weights and measures used in checking the receipts or disbursements of supplies of every state institution and he shall report in writing his findings to the executive officer of the institution concerned.

Officers who may inspect weights and measures.

Section 5. The State Sealer of Weights and Measures or the state deputy sealer of weights and measures or inspectors of weights and measures, may in the discharge of their duties inspect weights and measures. It is hereby made the duty of the state sealer of weights and measures or his inspectors or the state deputy sealer of weights and measures, to at least once each year,

Annual inspection throughout the state.

inspect all weights and measures, balances, measuring or weighing devices of different kinds throughout the State of Montana. The State sealer of weights and measures shall prepare a certificate of suitable size to

State sealer to prepare certificate to be attached to what.

be attached or affixed to all weights or measures or measuring devices so tested. Said certificate shall bear a fac simile signature of the state sealer of weights and measures and shall be countersigned by the inspectors

What certificate must bear and how countersigned.

of weights and measures, or the state deputy sealer of weights and measures or such inspectors of weights and measures as may be designated by any municipal corporation. The certificate as prepared by the state

Requirements of certificate.

sealer of weights and measures shall be numbered in consecutive order and shall have printed or stamped upon such certificate the year and shall be furnished to the inspector of weights and measures and to the sealer of weights and measures of any municipal corporation

Amount to be paid for certificates by inspectors of municipalities.

of the state, upon application therefor. The inspector of weights and measures of any municipal corporation shall pay to the state sealer of weights and measures for all such certificates so issued to him the sum equal to the actual cost of the number of certificates so received.

Unlawful for any person to use in trade any weights, measures, scales or balances not tested and with certificate attached.

Section 6. From and after the passage and approval of this act it shall be unlawful for any person or persons, firm or co-partnership, corporation or association of persons engaged in the trade of buying or selling, purchasing or disposing of or dealing in any merchan-

HeinOnline -- 1913 354 1913

dise or commodities to any person or persons in the state of Montana to sell or purchase by weight or by measure, without first having had the weights and measures, scales or measuring devices used by them for the purpose of determining the amount or quantity of any article or articles of merchandise, tested and a certification attached thereto by the state sealer of weights and measures or by inspectors of weights and measures or by sealers of weights and measures appointed by any municipal corporation in the State of Montana. Such certificate shall be attached or placed in a conspicuous place upon such weighing or measuring device. Any person or persons using any weight or measure or scale or other measuring device after the passage and approval of this Act, or annually thereafter, which has not been tested as provided by this Act, shall, upon conviction thereof, be deemed guilty of a misdemeanor and fined in the sum of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00). Any person or persons who shall be deemed guilty of a second offense as provided in this Act, shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and each and every successive day any person or persons shall so use any weights and measures, scales or other measuring devices shall be and is hereby declared to be a separate and distinct offense.

Where certificate must be attached.

Misdemeanor.

Penalty.

Penalty upon second conviction.

Section 7. Every person or persons, firm, co-partnership or corporation engaged in the trade of buying and selling or as a public weigher or user of weights and measures, shall between the first day of January and the first day of March of each year, have his weights, measures, balances and scales adjusted and sealed, and it is hereby made the duty of the inspector of weights and measures of the various districts of the State to examine and adjust all measures, balances and scales used by persons within district engaged in buying, selling or as public weighers or users of weights and measures.

Duty to have weights, measures, balances and scales adjusted and sealed annually, when.

Duty of district inspectors therein.

Section 8. After the first day of March of each year, the sealer of weights and measures, or his inspectors or the deputy sealer of weights and measures shall visit the places of business and enter upon the carts, wagons or vehicles then in use for the business of all persons engaged in the trade of buying and selling, or selling

Duty of officers, after first of March annually to visit places named where unsealed weights, measures, etc., are being used and to try, adjust and seal the same.

HeinOnline -- 1913 355 1913

Hay scales, wagon and railroad track scales to be tried and adjusted every six months.

who have weights, measures or balances which have not been sealed during the current year and try, adjust and seal the same. He shall at least once every six months try, adjust and seal every hay scale, wagon scale, railroad track scale or platform scale or balances used in the trade of buying and selling or selling or for public weighing.

Power of state sealer and his subordinates to test, try and correct weights, scales, beams, measures, etc.

Section 9. The state sealer of weights and measures, the deputy state sealer, or his inspectors of weights and and measures or municipal sealer of weights and measures shall have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of any kind, instrument or mechanical devices for measurement, and the tools, applicances or accessories connected with any or all of such instruments or measurements used or employed within the state by a proprietor, agent, lessee, or employe in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire, or award. Provided, also, that the state sealer of weights and measures, or his deputy, or his inspectors or any municipal sealer of weights and measures shall, at least once a year and as often as may be deemed necessary, try and prove all computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. Computing devices, which may be used by any person at any place within this state shall be tested as to the correctness of both weight and arithmetical values indicated by them.

Duties regarding devices for indicating or registering prices as well as weights.

Test of computing devices.

Power of department to examine commodities and test same for weight, measure or count.

Section 10. The sealer of weights and measures, his deputy or his inspectors or municipal sealer of weights and measures may at irregular intervals examine all commodities sold and offered for sale and test them for correct weight, measure or count. He, his deputy, or his inspectors or municipal sealers may, for the purposes above mentioned, and in the general performance of their official duties, enter or go into or upon, with or without formal warrant, any stand, place, building or premises or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests; and in the exercise of such duties they shall have full police power to enforce any and all reasonable measures for testing

For the purposes may enter any place or premises, stop any dealer, peddler, coal or ice wagon, etc.

To have full police power for what purposes.

HeinOnline -- 1913 356 1913

such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any scales or transfer of articles of merchandise taking place within the state. Whenever the state sealer of weights and measures or his inspectors or deputies have reason to believe that any person or persons, or corporation is violating the provisions of this act or any act relating to weights and measures they shall submit the evidence to the properly constituted authority in the county in which such violation occurs, who shall thereupon prosecute the persons alleged to have violated the provisions of this act or any act relating to weights and measures, or such evidence may be submitted direct to the Attorney General of the State, who shall have authority to prosecute such persons in the proper county.

To submit to the constituted authorities any evidence of violations of this Act, or to Attorney General.

Duty of officers to prosecute.

Section 11. (a) All track-scales used by common carriers for the purpose of weighing freight in carload-lots within this state shall be under the control and direction and jurisdiction of the state sealer of weights and measures and subject to inspection by him, his inspectors or deputy sealers of weights and measures.

Track scales of common carriers under the control and jurisdiction of state sealer of weights and measures.

(b) The state sealer of weights and measures, his inspectors or his deputy sealers of weights and measures shall have power either on their own motion or on complaint being made to determine whether any such track-scales is defective or inefficient, or whether the time, manner or method of using same is unreasonable, ineffective or unjust, and shall have power to condemn any such scale found to be defective or inefficient and prohibit the use of the same while in that condition, and to render such decision and to make such order, rule or regulation as may be deemed necessary or advisable.

Duties and powers concerning track-scales.

(c) Any person or persons who shall knowingly and willfully sell, or direct, or permit any person or persons in his or their employ to sell any commodity or article of merchandise, and make or give any false or short weight or measure, or any person or persons owning or keeping, or having charge of any scales or steelyards for the purpose of weighing livestock, hay, grain, coal, or other articles, who shall knowingly and willfully report any false or untrue weight, whereby any other person or persons may be defrauded or injured; such person or persons shall be fined in any sum not

Defrauding by means of false or untrue scales, weights or measures.

HeinOnline -- 1913 357 1913

Penalty.

exceeding five hundred ($500.00) dollars, or be imprisoned in the jail of the county not exceeding thirty days, at the discretion of the court, and also be answerable to the party defrauded or injured in double damages.

After January 1, 1914, it shall be unlawful to sell or offer to sell commodities in packages or containers without the true weight, measure or count stamped thereon, as provided.

Section 12. From and after January 1st 1914 it shall be unlawful for any person or persons, association or corporation, to sell or offer for sale in this state, any commodity or article of merchandise in a package or container without having such package or container labelled in plain, intelligible words and figures, with a correct statement of the net weight, measure or numerical count of its contents; provided, that nothing in this section shall prevent the putting up of commodities or articles of merchandise which have been previously sold by net weight, measure or numerical count, into packages or containers for the purpose of delivering or transporting such commodities or articles of merchandise.

Proviso.

What section shall not apply to.

Provided, further, that nothing in this section shall apply to commodities or articles of merchandise, except milk and cream offered for sale or sold in packages or containers at a price of ten cents or less per such package.

Unlawful to sell any commodity, etc., except by true net weight, measure or count, excepting when.

(a) It shall be unlawful for any person to sell or offer for sale in this state any commodity or article of merchandise, except by true net weight, measure or numercial count, except where the parties otherwise agree. Contracts for work done, or for anything to be sold by weight or measure, shall be construed according to the standards hereby adopted as the Standards of this state, except where the parties have agreed upon any other calculations of measurement, and all statements and representations of any kind referring to the weight or measure of commodities or articles of merchandise shall be understood in the terms of the Standards of weights and measures aforesaid.

Contracts for work done, or for anything to be sold by weight or measure to be construed how.

False or short weight or measure forbidden

(b) It shall be unlawful for any person, in buying or selling any commodity or article of merchandise, to make or give false or short weight or measure, or to sell or offer for sale any commodity or article of merchandise less in weight or measure than he represents, or to use a weight, measure, balance or measuring device that is false and does not conform to the authorized standard for determining the quantity of any com-

HeinOnline -- 1913 358 1913

modity or article of merchandise, or to have a weight, measure, balance or measuring device adjusted for the purpose of giving false or short weight or measure, or to use in buying or selling of any commodity or article of merchandise a computing scale or device indicating the weight and price of such commodity or article of merchandise upon which scale or device the graduations or indications are falsely or inaccurately placed either as to weight or price, or to use any computing scale having a horizontal registering bar with a barrel computing device, unless such scale is adjusted to register the correct weight from all angles of vision.

Violation of any of the provisions of this act a misdemeanor.

(c) Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court having jurisdiction of the offense, shall be fined in a sum not to exceed two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, and any weight, measure, balance or measuring device which shall have been used by him in such violation shall be ordered confiscated and destroyed. He shall also be liable in damages to the party injured by his violation in treble the amount of the property wrongfully taken or not given and twenty dollars in addition thereto, to be recovered in a court of competent jurisdiction. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of the representation on the part of the vender, that the quantity sold and delivered was the quantity bought by the vendee. There shall be taken into consideration the usual and ordinary leakage, evaporation or waste that there may be from the time a package or container is filled by a vender until he sells the same. A slight variation from the stated weight, measure or quantity for individual packages not to exceed three per cent is permissible; provided, that the variation is as often above as below the weight, measure or quantity stated.

Penalty.

Confiscation of false weights, measures, balance, etc.

Liable to injured party in treble damages and $20 in addition thereto.

The selling and delivery of any article prima facie evidence of what.

Usual and ordinary leakage, evaporation and waste to be taken into consideration.

Variation not exceeding three per cent.

Proviso.

Section 13. The state sealer of weights and measures shall keep a complete record of all work done under his direction and shall make an annual report not later than the first day of January of each year, preceding the meeting of the Legislative Assembly. The inspectors of weights and measures and all municipal sealers of weights and measures shall keep a complete record of all work done by them under and by direction of the

State sealer shall keep a record of all work done and make report before meeting of legislature in January.

HeinOnline -- 1913 359 1913

Records to be kept and reports to be made by other sealers and inspectors.

state sealer of weights and measures and shall report to the state sealer of weights and measures, not later than the fifth of each month, of all work done by them for the preceding month. The state sealer of weights and measures shall provide a system of records to be kept by all inspectors of weights and measures and municipal sealers of weights and measures together with blank reports, upon which all reports of said inspectors and sealers of weights and measures are to be made. The form of record provided by the state sealer of weights and measures for all inspectors and municipal sealers of weights and measures shall be the form to be observed and kept by them and after the said state sealer of weights and measures shall have prescribed the form of said records, said records so kept by any municipal sealer shall be filed in the office of the city clerk of the municipal corporation and become a record of said state.

System of records to be provided by state sealer also blank reports.

Records kept by municipal sealers shall be filed, when, and become a record of said state.

Misdemeanor for any authorized person to stamp a weight or measure or certify thereto without duly verifying same.

Section 14. Any person authorized to seal weights and measures in accordance with this Act who shall, without duly verifying the weights and measures of any person by comparison with the standard of weights and measures, stamp a weight or measure or attach thereto a certificate that said weight or measure has been duly tested, is hereby declared, upon conviction thereof, to be guilty of a misdemeanor and shall be subject to a penalty of a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00).

Penalty.

Stamp or mark required upon top side of weights and marks on measures.

Section 15. Every weight for use in trade, except when the small size of the weight renders it impracticable, shall have the denomination of such weight permanently marked on the top side thereof in legible figures or letters; and every measure of capacity for use in trade shall have the denomination and kind thereof permanently marked on the outside of such measures in legible figures or letters. A weight or measure not in conformity with this section shall not be stamped by the state sealer of weights and measures or inspector of weights and measures or deputy sealers of weights and measures.

Weights and measures not conforming with section.

Apothecaries shall have their weights and measures tested when.

(a) Apothecaries and all other persons dealing in drugs, medicine and merchandise commonly sold by apothecaries' weight or by apothecaries' liquid measure shall at least once in two years cause such weights and measures so used to be tested and sealed by officers

HeinOnline -- 1913 360 1913

authorized under this Act to inspect weights and measures.

Duty of officer in case weight, measure or balance can not be readily adjusted.

Section 16. If any weights, measures or balances can be readily adjusted by such means as the inspector or sealer of weights and measures may have at hand, he may adjust and seal them, but if they cannot be readily adjusted he shall affix to such weights, measures or balances, a notice forbidding their use until he is satisfied they have been so adjusted as to conform with the standard. Any person or persons who remove said notice without the consent of the officer affixing the same, shall upon conviction, be fined in a sum not to exceed fifty dollars ($50.00).

Notice forbidding use.

Removing notice without consent.

Penalty.

When weights, measures and balances may be stamped "condemned" or "C.D."

Section 17. All weights, measures and balances which cannot be made to conform to the standard weights and measures as herein provided shall have stamped "Condemned" or "C.D." by the sealer of weights and measures.

Weights, measures and balances which may be seized without warrant.

Section 18. The state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures, may seize without a warrant such weights, measures or balance as may be necessary to be used as evidence in case of violation of any act relative to the sealing of weights and measures. They shall be returned to the owners or forfeited as the court may direct.

When to be returned.

Duty of itinerant peddlers and hawkers.

Section 19. All itinerant peddlers and hawkers, using scales, balances, weights, or measures shall take the same to the office of the state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures, before any use is made thereof, and have the same sealed and adjusted annually; and any such person failing to comply with the provisions of this section shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each offense, and every day such person shall use such scales, balances, weights, or measures without having the same adjusted and sealed as hereinbefore provided for, shall constitute a separate and distinct offense. Any itinerant peddler or hawker found using any false scale shall be subject to a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for each offense.

Penalty.

Penalty for using false scales.

Milk and cream to be sold by what standard only.

Section 20. All milk, cream, and skimmed milk shall be sold only by standard wine measure, and by or in

HeinOnline -- 1913 361 1913

Measures, cans, jars, bottles or receptacles which shall be sealed before use.

measures, cans, jars, bottles, or other vessels or receptacles which shall, prior to being used in such scale, be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside in this state, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section, or delivering any of the same sold contrary hereto, shall be fined for the first offense not less than fifty dollars ($50.00) and not exceeding one hundred dollars ($100.00) and for the subsequent offense not less than one hundred dollars ($100.00) or imprisonment not to exceed ninety days, or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed milk having reason to believe that any measure, can, jar, bottle or other vessel or receptacle in which milk, cream or skimmed milk is sold and delivered to him is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased may apply to the sealer of weights and measures, which sealer shall test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof; and if such capacity according to such certificate shall be less than the amount purchased, such purchaser may make complaint and deliver such certificate to any officer authorized to make complaint for the violation of this Act.

Penalty for selling or delivering contrary to section.

When purchaser may have milk or cream container tested by sealer.

Duty of sealer therein.

When purchaser may complain.

The capacity of glass milk and cream bottles and jars required to be blown in or indelibly fixed.

Section 21. No person or corporation shall, after the passage of this Act, sell or offer for sale within the state of Montana, any milk or cream in bottles or in glass jars unless each of said bottles or glass jars in which said milk or cream is sold or offered for sale shall have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity thereof, and the state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures shall have the right at any time to examine any bottle or glass jar in which milk or cream is sold or offered for sale in the state of Montana or which is used by any person or corporation for the purpose of containing milk or cream to be sold or offered for sale in order to ascertain whether such bottle or jar is of a capacity not less than that which it purports to be; and if any such bottle or jar is of less capacity than that which it purports to be, or, if any such bottle or jar shall not have blown into it or other-

Right of departmental officers to examine and ascertain the capacity thereof.

Dealer using any milk or cream in bottles or jars not complying with requirements of Act.

HeinOnline -- 1913 362 1913

wise indelibly and permanently indicated thereon in a legible and conspicuous manner its capacity as aforesaid, the person or corporation selling or offering for sale milk or cream in any such bottle or jar, or having in his possession any such bottle or jar to be used or which has been used for the purpose of containing milk or cream to be sold or offered for sale in said state of Montana shall, upon conviction, be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each offense; and each and every bottle or glass jar found in the possession of any person or corporation used or to be used, or which has been used by such person or corporation for the purpose of containing milk or cream to be sold or offered for sale in the state of Montana, which shall be found to be of a less capacity than that blown into the same or otherwise so indelibly and permanently indicated thereon, or which shall not have blown into it or otherwise indelibly and permanently indicated thereon in a legible and conspicuous manner the capacity as aforesaid, shall constitute a separate and distinct offense on the part of such person or corporation, and upon conviction such person or corporation shall be fined in a sum not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00).

Penalty.

Each and every bottle and jar so found shall constitute a seperate offense.

Section 22. A person who uses, or has in his possession for use in trade, any weight, measure, scale, balance, steelyard, or weighing machine, which is false or incorrect shall be fined not more than one hundred dollars ($100.00) or in case of a second offense, not more than two hundred dollars ($200.00) and any contract for gain, deal or dealing made by the same shall be void and the weight, scale, measure, balance or steelyard shall be liable to be forfeited.

Penalty. using or having in possession for use in trade any false weight, measure, balance, etc.

Penalty.

Contracts which be void.

Section 23. A weight, or measure duly stamped by the state sealer of weights and measures or inspector of weights and measures or deputy sealer of weights and measures, or by the National Bureau of Standards shall be a legal weight or measure throughout the state, unless found to be false or incorrect and shall not be liable to be re-sealed because used in any other place than that in which it was originally stamped.

Defining legal weights and measures.

When not liable to be re-sealed.

Section 24. Whoever sells or offers for sale a less quantity than represented, or sells in a manner contrary to law, shall be guilty of fraud, and shall be fined not

"Fraud" defined.

HeinOnline -- 1913 363 1913

Penalty.

more than one hundred dollars ($100.00) or in case of a second offense, not more than two hundred dollars ($200.00).

Tolerances to be established by whom and how.

Section 25. The state sealer of weights and measures shall, after consultation with, and with the advice of the National Bureau of Standards, establish tolerances for use in the state of Montana, and said tolerances shall be the legal tolerances in the state of Montana.

Refusing or neglecting to produce or permit officer to examine any and all weights, measures and balances in possession or on premises, etc.

Section 26. A person who neglects or refuses to produce for the state sealer of weights and measures or inspectors of weights and measures or deputy sealer of weights and measures, all weights, measures or balance in his possession and used in trade, or on his premises, or refuses to permit the said officers to examine the same, or obstructs the entry of said officers, or otherwise obstructs or hinders any official under this law or violates any of the provisions of this Act shall be fined not more than one hundred dollars ($100.00) and in case of a second offense, not more than two hundred dollars ($200.00).

Penalty.

State sealer to make and promulgate rules and regulations for guidance, and government of inspectors and sealers.

Section 27. The state sealer of weights and measures is hereby authorized to make and promulgate such rules and regulations for the government, guidance and direction of inspectors of weights and measures and deputy city sealers of weights and measures in conformity with this act, as may be necessary to carry out the provisions of this Act in a uniform manner. Such rules and regulations when promulgated by the state sealer of weights and measures, with the approval of the Governor of the state of Montana endorsed thereon, shall have the same force and effect as if provided for in this Act. Such rules and regulations shall be published at least once in a newspaper of general circulation in each county and city of the state of Montana.

Force and effect of such rules and regulations.

Penalty for violations of act when no other penalty is provided.

Section 28. Any person or persons violating any of the provisions of this Act where no other penalty is provided shall, upon conviction thereof be fined in a sum not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00) or by imprisonment in the county jail not less than thirty nor more than ninety days.

Department officers to be deputy sheriff in respect to their office.

Section 29. The state sealer of weights and measures, inspectors of weights and measures or sealer of weights and measures of the various cities, towns and counties,

HeinOnline -- 1913 364 1913

throughout the state shall be, by virtue of their respective offices, deputy sheriffs and as such shall have power to arrest and detain any person violating the provisions of this Act, without warrant.

Dispositions of fines and penalties collected.

Section 30. All fines collected for violation of the provisions of this Act shall be paid to the state treasurer for support and maintenance of the department of weights and measures. All justices of the peace and clerks of district courts who may collect any fine imposed for the violation of the provisions of this Act must, not later than the fifth day of each month, transmit to the state sealer of weights and measures, all moneys so collected and the state sealer of weights and measures shall pay the same quarterly to the state treasurer taking his receipt therefor.

Duty of officers collecting same.

Repealing clause.

Section 31. That Chapter 34 of the laws of the Twelfth Legislative Assembly, 1911, be, and the same is, hereby repealed and that all acts and parts of acts in conflict herewith are hereby repealed.

Section 32. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1913.

CHAPTER 84.

"An Act to prescribe further duties and powers for the State Examiners; to cause the books and accounts of all incorporated cities and towns and the books and accounts of school districts of the first and second class to be examined at least once each year; to provide for the payment of fees for the examination thereof and also to allow the State Examiner to appoint another deputy and to provide an appropriation therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

The books and accounts of all incorporated cities and towns and school districts of the first and second class shall be examined by state examiner each year.

Section 1. That the State Examiner in addition to the duties now imposed upon his office, shall have the power and authority and it shall be his duty to make at least one examination each year of the books and accounts of all incorporated cities and towns, and the books and accounts of all school districts of the first and second class, in like manner as is now required by law for the examination of the books and accounts of State and County Officers.

HeinOnline -- 1913 365 1913

Laws applicable to such examinations.

Section 2. That all laws now in force relative to the examination of the books and accounts of State and County officers, are, and the same are hereby declared to be applicable to the examination of the books and accounts of incorporated, cities and towns, and to the books and accounts of school districts of the first and second class.

Amounts to be paid annually by each of said municipal corporations into the state examiner's fund.

Section 3. Cities, towns, and school districts shall pay into the fund known in the law as the "State Examiners Fund" on or before the first day of November of each year the following amounts:

Cities of the first class	$200.00
" " " second class	$150.00
" " " third class	$100.00
Towns	$ 50.00
School Districts of the first class	$100.00
" " " " second class	$ 25.00

An additional deputy to be appointed.

Salary and expenses.

Section 4. The State Examiner is hereby empowered to appoint an additional deputy at a salary of eighteen hundred ($1800.00) Dollars per annum and necessary traveling expenses, in the event, however, that it should become necessary to employ an assistant to such additional deputy examiner, to perform the duties provided for in this Act, the State Board of Examiners may authorize the employment of such assistant at a salary of one hundred fifty ($150.00) dollars per month, and necessary traveling expenses.

State Board of examiners may authorize an assistant to deputy.

Salary.

Appropriation.

Section 5. There is appropriated out of the general fund the sum of five thousand ($5000.00) Dollars, or such part thereof as may be necessary, for the year 1913, and the sum of five thousand ($5,000.00) Dollars, or such part thereof as may be necessary for the year 1914, for the purpose of carrying out the provisions of this Act.

Repealing clause.

Section 6. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 7. This Act shall be in force and effect from and after its passage and approval.

Approved March 13, 1913.

HeinOnline -- 1913 366 1913

CHAPTER 85.

"An Act creating the office of Investment Commissioner, and giving such Official certain powers in relation to Investment Companies and Stock-brokers for the protection of investors, including the power to license the sale by such Companies and Stock-brokers to the public of securities; defining investment companies, and regulating or providing for the regulation of the promotion, organization and operation thereof; providing for the inspection and investigation of property, books, papers, business, methods and affairs of any Investment Company whose securities shall be offered for sale to the public; defining stock-brokers and providing for the regulation of their business as such; and providing penalties for the violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The name "Investment Company" as used in this act shall include:

"Investment Company" includes what.

1. Every corporation, company, copartnership or association whether incorporated or unincorporated except as otherwise provided in this act which shall hereafter engage in the business of selling or repairing or negotiating for the sale of, or of taking subscriptions for any stock, bonds or other securities of any kind or character issued by any other corporation, company copartnership or association (other than bonds of the United States, State, County or Municipal bonds or warrants, stock of State or National Banks located in the State of Montana, Building and Loan Associations, corporations not organized for profit, by notes secured by mortgages for real estate located in the State of Montana), to any person or persons in the State of Montana.

2. Every corporation, company, copartnership or association which shall outside of the county in which such land is located sell, offer or negotiate for the sale of any contract for deed, bonds for deed or other papers by whatsoever names such instruments may be designated, not originally issued by such corporation, company, copartnership or association, providing that when certain payments are made or certain conditions fulfilled a deed or title will be delivered to certain parts or parcels of land.

HeinOnline -- 1913 367 1913

Act not to apply to whom.

3. This Act shall not apply to any person, bank, corporation, copartnership or association of Montana selling stock or securities actually owed by said person, corporation, copartnership or association, provided that they shall not be engaged in the brokerage business of buying and selling stocks for securities nor shall this be so construed so as to prevent any corporation either foreign or domestic from selling its own stock, bonds or securities thru an officer or agent of such corporation providing that two-third or more of the assets of said corporations shall consist of property situated within the State of Montana.

The name "Stock broker" includes whom.

Section 2. The name "Stock-broker" as used in this Act shall include every person, set of persons, associations, companies, copartnership or corporation, who shall, in the State of Montana, engage in the business of dealing in stocks, bonds or other securities covered by this Act, selling or offering or negotiating for the sale thereof, or under-writing or purchasing such securities and reselling them to any person or persons, at a commission or profit.

Name "Domestic" defined.

Section 3. The name "Domestic" as used in this Act shall apply to those investment companies or stock brokers incorporated under the laws of Montana or having their principal office in the State of Montana,

"Foreign" defined as used in this act.

and the word "foreign" shall apply to those incorporated under the laws of another state, or foreign country or having their principal office outside of the State of Montana.

"Agent" as used in this act, defined.

Section 4. The name "Agent" as used in this Act shall include any person who shall act for any investment company or stock-broker in offering for sale, taking subscriptions for or negotiating for the sale, or selling any securities for any investment company or stock-broker, either as an employee on a salary basis or for a commission.

Investment companies and stock-brokers and their representatives shall obtain permits from the state investment commissioner for what purposes.

Section 5. It shall be unlawful for any investment company or stock-broker, or any representative thereof, to sell, offer for sale, take subscriptions for or negotiate for the sale in any manner whatsoever, of any stocks, bonds or other securities of any kind or character, other than those exempted from the provisions hereof by the definitions herein provided, without a permit from the state investment commissioner as hereinafter provided.

HeinOnline -- 1913 368 1913

Investment Companies.

Investment companies to pay a fee and file what documents in office of commissioner.

Section 6. Before securing such permit it shall be necessary for each and every investment company to file in the office of the Investment Commissioner, together with a filing fee of Twenty-five ($25.00) Dollars, the following papers, documents, etc., together with such other information and documents as said Investment Commissioner shall deem necessary in each case to-wit:

1. An itemized statement of its actual financial condition and the amount of its properties and liabilities.

2. A copy of all contracts, bonds or other securities which it proposes to make with or sell to its contributors.

3. Sample copies of all literature or advertising matter used or to be used by such investment company.

4. A copy of its constitution and by-laws, or articles of copartnership or association.

5. If it shall be an incorporated investment company, it shall also file a copy of its charter, and if it be a foreign investment company, such copy shall bear the certificate of the secretary of state, or other state officer having custody of such records, that it is a true, complete and correct copy.

All papers to be verified by whom.

Section 7. All of the above described papers shall be verified by the oath of a duly authorized member of a copartnership or association, if it be a copartnership or association, and by the oath of the president and secretary, if it be incorporated, provided that the Investment Commissioner shall have the power to require such officers to make affidavit to such other reports or information as he may call for.

Foreign investment companies shall file written consent to be sued by service of process upon the commissioner.

Section 8. Every foreign investment company shall also file its written consent, in such form as may be approved by the Investment Commissioner, that actions may be commenced against it, in the proper court of any county in this State in which a cause of action may arise or in which the plaintiff may reside, by the service of process on the Investment Commissioner, agreeing that such service of process on the Investment Commissioner shall be taken and held, in all courts, to be as valid and binding as if due service had been made upon the company itself, according to the laws of this or any other state, and such

HeinOnline -- 1913 369 1913

written consent for service of process shall be irrevocable. Such written consent shall be accompanied by a certified copy of an order or resolution of the board of directors, trustees, owners or managers of such investment company authorizing the execution of same. When a case shall be brought, the summons shall be directed to the Investment Commissioner, and shall require the defendant to answer by a certain day, not less than forty days nor more than sixty days from the date thereof. Said summons shall be forthwith forwarded by the clerk of the court to the Investment Commissioner, who shall immediately forward a copy thereof to the secretary of the corporation sued, by registered mail, and thereupon the Investment Commissioner shall make return of said summons to the court whence it issued, showing the date of its receipt by him, the date of forwarding such copy, the name and address of the person to whom he forwarded said copy, and the costs of service and return thereof, which in each case shall be Two ($2.50) Dollars and Fifty cents. Such return shall be under his hand and seal of office, and shall have the same force and effect as a due and sufficient return made by the sheriff on process directed to him. The Investment Commissioner shall keep a suitable record book, in which he shall docket each action commenced against a foreign investment company as aforesaid. This record shall show the court in which the suit is brought, the title of case, the time when commenced, the date and manner of service, and the date of payment of fee taxed as costs in the case.

Such consent to be irrevocable and accompanied by what.

Service of summons and procedure in actions against company.

Duty of investment commissioned therein.

Commissioner to keep record of what.

Record shall show what.

Section 9. It shall be the duty of the Investment Commissioner to examine the statements and documents so filed, and if said Investment Commissioner shall deem it advisable, he shall make or have made a detailed examination, audit an investigation of such investment company's affairs, providing that such investment company may at its option, in writing, refuse to have such investigation made, in which event said Investment Commissioner shall reject its application. If he finds that such investment company is solvent, that its articles of incorporation or association, its constitution and bylaws, its proposed plan of business and proposed contracts contain and provide for a fair, just and equitable plan for the transaction of business, and

Duty of investment commissioner regarding statement filed.

Application to be rejected when company refused investigation.

When commissioner shall issue statement entitling company to do business.

HeinOnline -- 1913 370 1913

in his judgment promises a fair return on the stocks, bonds, or other securities by it offered for sale, the Investment Commission shall issue to such investment company a statement, entitling it to sell such securities in the State of Montana, and reciting that such company has complied with the provisions of this Act, that detailed information in regard to the company and its securities is on file in the Investment Commissioner's Office, that such investment company is permitted to do business in this State; and such statement shall also recite in bold type that the Investment Commissioner in no wise recommends the securities to be offered for sale by such investment company. Such permit, however, shall be subject to revocation at any time by the Investment Commissioner for cause to him sufficient. But if said Investment Commissioner finds that such articles of incorporation or association, charter constitution and by-laws, plan of business or proposed contract contains any provision that is unfair, unjust, inequitable or oppressive to any class of contributors, or if he decides from his investigation or examination of its affairs that said investment company is not solvent, or does not intend to do a fair and honest business, or in his judgment does not promise a fair return on the stocks, bonds or other securities by it offered for sale, then he shall not grant such company a permit as herein provided and shall notify said company in writing of his decision.

What statement shall recite.

Permit subject to revocation for cause.

When statement or permit shall not be granted.

Stock Brokers.

Section 10. The foregoing 6, 7, 8, and 9 shall apply to stock brokers, providing that stock brokers shall not be required to file a copy of each stock, bond or other security it shall handle, and that said Investment Commissioner shall make special investigation and ascertain the reputation of such stock broker, especially as to the class of stocks, bonds and other securities handled by such broker, and that the granting of a permit to such stock broker shall be further contigent upon such stock broker having the reputation of handling such stocks, bonds and other securities as said Investment Commissioner shall decide to be good legitimate investment. Such permit shall entitle such stock broker to handle such stocks, bonds and other securities in the State of Montana as are not objected to by the Investment Commissioner, providing that such

What applicable to stock-brokers.

Special investigation to be made concerning stock-brokers as to what.

Permits to stock-brokers.

HeinOnline -- 1913 371 1913

Stock-broker shall file a list, monthly showing what.

stock broker shall file on the 1st. day of each month a list of the stocks, bonds and other securities on bond for sale, and handled by it during the preceding month; and providing further, that said Investment Commissioner shall have authority to prohibit said stock broker from handling any of such issues at any time, or to cancel said broker's permit at any time he decides that said broker is not handling such securities as he deems good legitimate investments.

When commissioner shall have authority to revoke permit other handling of any stock issue.

Appeals from investment commissioner to state board of examiners.

Section 11. An appeal may be taken from the decision of the Investment Commissioner refusing to grant a license to any investment company or stock broker, to the State Board of Examiners of this State. Such

How appeal taken.

appeal shall be taken by filing with said State Board of Examiners an application for a hearing on its case. When such hearing is set, it shall be the duty of the

Duty of commissioner when hearing is set.

Investment Commissioner to produce for the inspection and consideration of the State Board of Examiners all papers regarding such Company on file in his office and other information, and such State Board of Ex-

Power of board to call for further evidence.

aminers shall have authority to call for any additional information it may desire under oath from the company or stock broker under consideration. If said State Board of Examiners shall reverse the decision of the

Notice when the commissioner is reversed.

Investment Commissioner, it shall so notify him in writing, and it shall then become the duty of the Investment Commissioner to forthwith issue said applicant a permit.

No amendment to charter or articles of incorporation or by laws of investment company to become operative until when.

Section 12. No amendment of the charter, articles of incorporation, constitution or by-laws of any such investment company shall become operative until a copy of the same has been filed with the Investment Commissioner as provided in regard to the original filing in Section 6 of this Act, nor shall it be lawful

Restrictions upon investment companies.

for such investment company to transact business on any other plan than that set forth in its application, or to make any contracts other than that shown in copy of proposed contract required under Section 6 of this Act, until a written statement showing in full detail the proposed new contract shall have been filed with the Investment Commissioner, in like manner as provided in regard to the original plan of business and proposed contract, and the consent of the Investment Commissioner obtained as to making such proposed new plan of business or contract.

HeinOnline -- 1913 372 1913

Agents of investment companies.

Section 13. Any Investment Company or stock broker may appoint one or more agents, but no such agent shall do any business as provided in this Act for said investment company or stock broker in this State until he shall be registered with the Investment Commissioner as an agent of such investment company or stock broker, and for each of such registrations there shall be paid to the Investment Commissioner the sum of One ($1.00) Dollar, and said Investment Commissioner shall issue to each agent so registered an individual permit, entitling him to represent such investment company or stock broker in the State of Montana as its agent until the 1st day of March following, when it shall be necessary to re-register such agent. Such permit, however, shall be subject to revocation at any time by the Investment Commissioner for cause appearing to him sufficient.

Must register with commissioner.

Registration fee, and permit.

Must re-register when.

Permit may be revoked.

Statements to be filed by investment companies and stock-brokers.

Section 14. Every investment company or stock broker licensed under this Act shall file at the close of business December 31st, of each year, and such other times as required by the Investment Commissioner, a statement setting forth, in such form as may be prescribed by said Investment Commissioner, its financial condition, amount of its properties and liabilities, and such other information concerning its affairs as said Investment Commissioner may require. Each such statement shall be accompanied by a filing fee of Two ($2.50) Dollars and Fifty cents. Any investment company or stock broker failing to file its report as herein provided within ten days of the dates herein specified, or failing to file any special report within thirty days after receipt of request from the Investment Commissioner therefor, shall forfeit its right to do business in this State by reason thereof.

Filing fee of statement.

Penalty for failing to file required statement.

Manner and form in which all accounts shall be kept by investment companies, domestic and foreign.

Books and records subject to inspection.

Power of commissioner to enforce attendance of witnesses, etc.

Section 15. The general accounts of every investment company, domestic or foreign, doing business in this State, shall be kept in such manner and form as may be prescribed by the Investment Commissioner and all books, papers, business, methods, and affairs of such investment company shall be at all times subject to inspection and investigation by said Investment Commissioner or any person thereto by said Commissioner authorized and designated for the purpose of enforcing the provisions of this Act. The Investment Commissioner shall have the power of a

HeinOnline -- 1913 373 1913

Power to take testimony.

court of general jurisdiction to enforce the attendance of witnesses and production of evidence by subpoena, attachment and punishment, which said power shall extend throughout the state; said Commissioner shall have power to take testimony under deposition either within or without the state.

Commissioner shall have general supervision over what.

Section 16. The Investment Commissioner shall have general supervision and control, as provided by this Act, over any and all investment companies and stock brokers, domestic or foreign, licensed under this Act, and all such investment companies or stock brokers shall be subject to examination by the Investment Commissioner or his duly authorized agents, or deputies, at any time the Investment Commissioner may deem it advisable and in the same manner as is now provided for the examination of state banks. The rights, powers, and privileges of the Investment Commissioner in connection with such examinations shall be the same as is now provided with reference to the examination of state banks. Such Investment company or stock broker shall pay a fee for each examination made by said Investment Commissioner, or his deputies or agents, of not to exceed Ten ($10.00) Dollars for each day or fraction thereof plus the actual traveling and hotel expenses of said Commissioner, or his agent or deputy, that he is absent from the Capitol Building for the purpose of making such examination, and the failure or refusal of any investment company or stock broker to pay such fees upon the demand of the Investment Commissioner, or his deputy or agent, while making such examination, shall work a forfeiture of his or its right to do business in this State.

Such companies and brokers subject to examinations at all times, in what manner.

Extent of power to examine.

Examination fee and costs.

Failure or refusal to pay fee.

Unlicensed investment companies and brokers prohibited from doing what.

Section 17. It shall be unlawful for any investment company or stock broker or his or its agent to issue, circulate or deliver any advertisement, pamphlet, circular or other document in regard to his or its stocks, bonds or other securities in the State of Montana until after such investment company or stock broker shall have been licensed to sell his or its securities in the State of Montana as provided in this Act, and it shall be unlawful for any such licensed investment company or stock broker or his or its agent to issue, circulate or deliver any such advertisement, pamphlet, circular or other document, unless the same shall be signed and bear a serial number and a copy thereof first filed

Circulars and other advertisement matter by licensed brokers and companies must be signed and numbered, also approved before issuing.

HeinOnline -- 1913 374 1913

with the Investment Commissioner and the approval of the Investment Commissioner obtained thereto, nor shall it be lawful for such investment company or stock broker or his or its agent to issue, circulate or deliver such advertisement, etc., after he or it has been notified of objection thereto by said Investment Commissioner.

When investment companies and brokers not permitted to issue such matter.

Section 18. Whenever it shall appear to the Investment Commissioner that the assets of any investment company doing business in this State are impaired to the extent that such assets do not equal its liabilities, or that it is conducting its business in an unsafe, inequitable or unauthorized manner, or is jeopardizing the interests of its stockholders or the investors in stocks, bonds or other securities by it offered for sale, or whenever any investment company shall refuse to file any papers, statements or documents required under this Act, or shall refuse to permit an examination by said Investment Commissioner, or his deputies or agents, as provided in this Act, without giving satisfactory reasons therefor, said Investment Commissioner shall at once cancel its permit, and if he shall deem advisable, shall communicate such facts to the attorney general, who shall thereupon at once make an investigation, and if the facts as presented to him by the Investment Commissioner are substantiated, he shall thereupon apply to a court of competent jurisdiction for the appointment of a receiver to take charge of and conclude the business and affairs of such investment company, and if such fact or facts be made to appear it shall be sufficient evidence to authorize the appointment of a receiver and the making of such orders and decrees in such cases as equity may require.

When commissioner shall immediately cancel permit of investment company.

When to report facts to attorney general.

Attorney General to apply for appointment of a receiver when.

Section 19. All papers, documents and other instruments filed with said Investment Commissioner under this Act shall be subject to inspection of any one affected by this Act upon application therefor, except that the Investment Commissioner may, in his discretion, withhold any information relating to the affairs of any investment company or stock broker that, in his judgment, is not required for the best interests of its stock-holders and the public wefare.

All papers, documents, etc., filed with commission subject to inspection by whom and when.

Section 20. It shall be unlawful for any investment company, after it has been granted a permit under the provisions of this Act, to issue, sell or distribute any

Licensed investment companies cannot sell or distribute stocks, bonds or securities except how.

HeinOnline -- 1913 375 1913

stocks, bonds or other securities for promotion or for any other causes, or on any other conditions than those set forth in its applications, without first securing the approval of the Investment Commissioner therefor. Neither shall it be lawful for any investment company, after it has been granted a permit under the provisions of this Act, to pay any dividends in stocks, bonds or other securities without the approval of the Investment Commissioner.

Shall not pay any dividends in stocks, bonds or other securities without approval of investment commissioner.

Section 21. Any person who shall knowingly or wilfully subscribe to, or make or cause to be made, any false statements or false entry in any book of such investment company or stock broker, or exhibit any false paper with the intention of deceiving any person authorized to examine into its affairs, or who shall make or publish any false or misleading statements of its financial condition or of the stocks, bonds, or other securities by it offered for sale, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined not less than Two Hundred ($200.00) Dollars nor more than Ten Thousand ($10,000) Dollars, and shall be imprisoned for notless than one year nor more than ten years in the State Penitentiary.

Making false entries or statements in the books of investment company or of a broker, exhibiting false papers or publishing false statements to deceive any person authorized to examine its affairs a felony.

Penalty.

Section 22. Any person or persons, agent or agents, investment company or stock broker who shall violate any of the provisions of this Act shall be deemed guilty of a felony, and upon conviction thereof shall be fined for each offense not less than One Hundred ($100.00) Dollars, nor more than Ten Thousand ($10,000) Dollars, or by imprisonment in the State Penitentiary for not less than ninety days nor more than one year, or by both such fine and imprisonment.

Violating any provision of this act a felony.

Penalty.

Section 23. All fees herein provided for shall be collected by the Investment Commissioner and by him shall be turned into the State Treasury, and all fees so turned into the State Treasury are hereby re-appropriated to the Investment Commissioner for the purpose of paying all salaries and expenses necessary for the proper carrying this Act into effect; and the Investment Commissioner is hereby authorized to appoint such clerks, deputies and agents as are actually and absolutely necessary to carry this Act into full force and effect, none of whom shall be related by blood or marriage to such Investment Commissioner or any of his deputies, or agents. All money actually

Fees to be collected by investment commissioner and turned over to state treasurer.

Disposition of fee.

Con missioner authorized to appoint such deputies, clerks and agents as may be necessary, not related to him by blood or marriage.

HeinOnline -- 1913 376 1913

and necessarily paid out by the Investment Commissioner, or any clerk or deputy or agent, appointed under this Act, as salaries, or any money actually and necessarily paid out by the Investment Commissioner, or by any clerk or deputy or agent appointed under this Act, for traveling or incidental expenses shall be paid by the State Treasurer out of such fees upon the State Auditor's warrants, to be issued upon sworn vouchers containing an itemized account of such salaries or expenses.

How and by whom money shall be paid out, and from what funds.

Section 24. The office of Investment Commissioner is hereby created and the State Auditor of Montana is hereby made and constituted ex-officio Investment Commissioner.

The state auditor shall be ex-officio investment commissioner.

Section 25. Should the courts declare any Section of this Act unconstitutional or unauthorized by law or in conflict with any other section or provision of this Act, then such decision shall affect only the section or provision so declared to be unconstitutional or void and shall not affect any other section or part of this Act.

Effect of any section of act being held unconstitutional or in conflict with any other section.

Section 26. No investment company or stock broker as defined in this Act, now organized, or in process of organization in this State, shall be compelled to comply with the provisions of this Act until January 1st, 1914.

When existing investment companies and stock brokers will be compelled to comply with act.

Section 27. All acts and parts of acts in conflict herewith are hereby repealed, in so far as they conflict with this act.

Section 28. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Repealing clause.

Approved March 13, 1913.

HeinOnline -- 1913 377 1913

CHAPTER 86.

"An Act providing for the execution, filing, renewal and foreclosure of Chattel Mortgages; defining the rights of subsequent mortgages; providing penalty for the violation of the provisions of this Act; prescribing the procedure and practice in attaching mortgaged property; providing that chattel mortgages now in force shall not be affected by the provisions of this Act; and repealing Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772 and 5773, of the Revised Codes of the State of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Interest in personal property which may be mortgaged.

Section 1. Any interest in personal property which is capable of being transferred may be mortgaged.

Execution of chattle mortgages.

Section 2. A mortgage of personal property must be signed by the mortgagor, and be acknowledged by the mortgagor before some officer qualified to take acknowledgments; and every such mortgage must have attached thereto the affidavit of the mortgagee, his agent, attorney, or other representative, that the same is made in good faith to secure the amount named therein, and without any design to hinder, delay or defraud creditors; and where there are two or more mortgagees named in a mortgage, whether co-partners or otherwise, any one of said mortgagees may make such affidavit on behalf of all the mortgagees named therein. No further proof or formality of the execution of said mortgage is required to admit it to be filed.

Affidavit to be attached.

One of two or more mortgagees may make the affidavit.

Who may execute a chattle mortgage on behalf of a firm to secure all existing indebtedness of the firm.

Section 3. Subject to the provisions of the preceding Section, one member of a firm of general partners may alone execute a mortgage of personal property on behalf of the firm, to secure all existing indebtedness of the firm, and a mortgage so executed is as valid as though executed and made by all the partners. In case of a corporation, the President, Vice President, Secretary, Assistant Secretary, Cashier, or General Manager thereof may execute the mortgage, or make the affidavit of good faith aforesaid where the corporation is the mortgagee.

Who may execute a chattle mortgage of a corporation and make the affidavit when it is the mortgagee.

Chattle mortgages or certified copies thereof must be filed where.

Section 4. Every mortgage of personal property, together with the affidavit hereinbefore mentioned, or a copy thereof certified to be correct by the officer before whom the same was acknowledged or verified, or by the

HeinOnline -- 1913 378 1913

County Clerk and Recorder with whom it is filed, must be filed in the office of the County Clerk and Recorder of the County where the property was situated at the time of the execution of the mortgage, and the County Clerk and Recorder must, on receipt of such mortgage or certified copy, endorse thereon the time of receiving the same, and file and keep the same in his office for the inspection of all persons, and shall enter in a book properly ruled and kept for that purpose, the names of all parties, the names of the mortgagors alphabetically arranged, the consideration thereof, and the date of the maturity and the filing of the same.

Duty of clerk and recorder.

Book entries which must be made.

Section 5. A mortgage of personal property executed and filed as hereinbefore provided, ceases to be valid as against creditors of the mortgagor and subsequent purchasers or incumbrancers in good faith after the expiration of two years and sixty days from the filing thereof, except as hereinafter provided.

Life of chattle mortgage.

Section 6. Every mortgage of personal property, executed and filed as provided by the laws of this state, may be renewed at any time within sixty days after the expiration of two years from the date of filing the same, in case such debt or obligation, or any part thereof, be unpaid or unfulfilled, by the filing of an affidavit showing the date of such mortgage, the names of the mortgagor and mortgagee, the date of filing the same and the amount of the debt justly owing at the date of the making of such affidavit, or the condition of the obligation then unfulfilled, and that such mortgage was neither made nor renewed to hinder, delay or defraud creditors or subsequent mortgagees of the said mortgagor and mortgagee, the date of filing the same, and by the mortgagee or his assignee, or other successor in interest; or if more than one mortgagee, assignee or successor in interest such affidavit may be made by one of them on behalf of all. In case of the absence of the mortgagee or his assignee from the county where such mortgages filed, the affidavit may be made by the agent or attorney or other representative of the mortgagee or his assignee, or of his successor in interest. The affidavit may be made in behalf of the corporation by the President, Vice President, Secretary, Assistant Secretary, Cashier, or General Manager, and in case no such officer is within the county where the mortgages filed then by the agent, attorney or other rep-

When chattle mortgage may be renewed.

How renewed.

Affidavit must be subscribed and sworn to by whom.

When affidavit may be made by agent, attorney or other representative.

In behalf of a corporation.

HeinOnline -- 1913 379 1913

May be made by mortgagee, his assignee or successor at any place.

resentative of such corporation; Provided that nothing shall be so construed as to prevent the mortgagee or his assignee or successor in interest or one of them, where there is more than one, from making such affidavit wherever he may be, whether in or out of the County where the Mortgage is filed so long as said affidavit is filed as hereinbefore specified. The affidavit must be filed in the office where the mortgage therein described is filed, and thereupon the county clerk of such county must attach such affidavit to the mortgage therein described, and note the date of filing thereof opposite the entry of the mortgage therein described in the book provided by law for the entry of chattel mortgages, and the original mortgage shall then continue in full force and effect for the period of three years from the date of filing said affidavit.

Filing of affidavit.

Duty of recorder. Mortgage to continue in force how long thereafter.

Filing of affidavit not to be construed how.

Section 7. The filing of the affidavit, provided for in the next preceding section, shall not be construed to extend the time of the maturity of any debt or the execution of an obligation secured by such mortgage, but the same may be enforced, according to the conditions thereof, and such mortgage foreclosed according to law at any time within the period for which such mortgage is so renewed, unless agreement be made between the mortgagor and mortgagee extending the time of payment of such debt or fulfillment of such obligation, in which case the mortgage may be foreclosed at any time after the expiration of the time fixed by such agreement within the period limited by law for the foreclosure of mortgages.

Mortgage may be enforced and foreclosed when.

When subsequent mortgagee shall be subrogated to all the rights of prior mortgagee.

Section 8. Any mortgagee of personal property upon which a prior mortgage exists, may, at any time during the existence of such mortgage, pay the amount of the debt and interest owing and secured thereby, or deposit the full amount thereof with the county clerk of the county wherein such affidavit and mortgage are filed, subject to the order of the mortgagee, his legal representatives or assigns, and the receipt or duplicate receipt for such payment or deposit, shall be filed in said office and attached to such mortgage, and thereby such subsequent mortgagee shall be subrogated to all the rights of the prior mortgagee under such mortgage.

Mortgaged personal property may be taken on attachment or execution when.

Section 9. Personal property mortgaged may be taken on attachment or execution issued at the suit of a creditor of the mortgagor; but before the property is

HeinOnline -- 1913 380 1913

so taken, the officer must pay or tender to the mortgagee, the amount thereof with the County Treasurer of the county in which the mortgage is filed, payable to the order of the mortgagee; and when the property then taken is sold under process, the officer must apply the proceeds of the sale as follows:

How proceeds of sale of mortgaged personal property sold under execution shall be applied.

1. To the repayment of the sum paid to the mortgagee, with interest from the date of such payment; and,

2. The balance, if any, in like manner as the proceeds of sales under execution are applied in other cases.

Section 10. A copy of any mortgage of personal property made, acknowledged and filed as provided in this article, certified by the county clerk in whose office the same shall be filed, may be read in evidence in any court of this state, without further proof of the execution of the original, if said original be lost, or out of the power of the person wishing to use it.

Certified copy of a chattle mortgage may be read in evidence without further proof of the execution of the original, when.

Section 11. The provisions of the foregoing sections of this article shall extend to all such bills of sale, deeds of trust, and other conveyances of goods, chattels, or personal property, as shall have the effect of a mortgage or lien upon such property.

Foregoing section to extend to what other instruments or contracts.

Section 12. An action for the foreclosure of a mortgage of personal property, or the enforcement of any lien thereon, of whatever nature, may be commenced and conducted in the same manner as provided by law for the foreclosure of mortgages upon real property, and the same may be joined in an action for the recovery of the possession of the property mortgaged; but it is lawful for the mortgagor of personal property to insert in his mortgage a clause authorizing the sheriff of the county in which said property, or any part thereof, may be, to execute the power of sale therein granted to the mortgagee, his legal representative and assigns, in which case the sheriff of such county, at the time of default, at the request of the mortgagee, must, and it is hereby made his duty to advertise and sell the whole or any part of the mortgaged property, wherever it may be, in the manner provided in such mortgage; and at such sale made as aforesaid, the mortgagee, or his representative or assigns, may, in good faith, purchase the property so sold, or any part thereof. The sheriff may require an indemnity bond from the mortgagee or his assigns before taking possession of, or selling the mortgaged property. Notice of sale shall be

Action for foreclosure.

Authority to sheriff which may be inserted in mortgage.

Duty of sheriff therein.

Mortgagee may purchase at sale.

Indemnity bond.

HeinOnline -- 1913 381 1913

Notice of sale.

given by posting five notices in five public places in the county wherein the property is to be sold, one of which shall be posted at the designated place of sale.

When sales shall be commenced and held.

Section 13. All sales made under the provisions of this Act shall be commenced between the hours of twelve noon, and four o'clock of the afternoon of the day specified in the notice and within thirty days after the seizure of the property, unless the sale shall be postponed. Any sale may be postponed at the discretion of the sheriff one week, by public announcement at the time designated for the sale to take place when there are no bidders, or when the amount offered is grossly inadequate, or upon the request of the mortgagor.

Sale may be postponed when and how long.

Report of sale.

Section 14. Within ten days after the sale of any mortgaged property, as herein provided, the person making the sale shall make out in writing a full report, under oath, of all the proceedings in such foreclosure, specifying particularly the property sold, the amount received therefor. the name of the person to whom sold, the amount of the costs and expenses itemized, a copy of the notice of sale, with the statement that the same was posted as herein provided, and the disposition made by him of the proceeds of the sale, and shall file the same in the office of the County Clerk and Recorder where the mortgage is filed; which report shall be received in all courts as prima facie evidence of the facts therein stated. The County Clerk and Recorder shall properly index said report and attach the report of sale to the original mortgage on file.

Contents of report.

To be filed where.

Satisfaction of record of chattle mortgages.

Section 15. Whenever the debt or obligation secured by any mortgage of personal property, which has been filed in the office of the County Clerk, as provided in this article, shall be paid or discharged, an acknowledgment of satisfaction, signed by the mortgagee, his legal representative or assigns, must be endorsed upon the mortgage, or copy thereof, or attached thereto, filed as aforesaid, and the fact of such discharge or satisfaction noted by the County Clerk in the book kept by him, as provided by this Act, opposite the names of the parties to such mortgage.

Mortgage upon growing crops and the lien thereof.

Section 16. A mortgage may be given upon a growing crop, or a crop to be grown, and the lien thereon continues after severance whether remaining in its original state or threshed or otherwise prepared for

HeinOnline -- 1913 382 1913

market; provided, however, that the lien of such mortgage shall attach only to crops next maturing after the execution of such mortgage, except in case of mortgages to secure the purchase price of rental of land upon which such crops are to be grown.

Removal of property mortgages from the county, or crop from farm upon which same is grown, or sale thereof without written consent of mortgagee a misdemeanor.

Section 17. Any person who has executed a mortgage upon personal property who shall, during the existence of the lien or title created by such mortgage, remove the same from the county where said property was situated at the time of the execution of the mortgage, or in the case of a mortgaged crop, from the land or farm on which the same was grown, or sell or remove said property or crop, or any part thereof, without the consent in writing, of the mortgagee, first had and obtained, shall be guilty of a misdemeanor.

Repealing clause.

Section 18. Sections 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772 and 5773 of the Revised Codes of Montana of 1907, and all acts and parts of acts inconsistent with this Act are hereby repealed; provided, however, that the provisions of this Act shall not affect mortgages now executed and filed, and as to such mortgages, Sections 5757 to 5773, both inclusive, shall remain in force.

Section 19. This Act shall take effect and be in force from and after the first day of April, 1913.

Approved March 14, 1913.

CHAPTER 87.

"An Act relating to Religious Corporations, and Providing for the Incorporation, Power and Management of Diocesan Corporation, and of Parish or Local Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Religious corporation may be created, with what powers, privileges and franchises.

Section 1. Religious Corporations partaking, holding, receiving and disposing of any real or personal property for the use and benefit of any diocese now or hereafter existing of any religious denomination in the State, and for administering the temporalities thereof, and for the further purposes, and with the powers hereinafter specified, may be created in the manner and with the powers, privileges and franchises herein stated, to-wit:

The bishop of the diocese, the vicar general and chancellor, with two others may incorporate.

The bishop of any diocese in which any such corporation is to be located may associate with himself the vicar general and chancellor of such diocese, if such

HeinOnline -- 1913 383 1913

dignitaries or officers there be in his denomination, and if not, then such dignitaries or officers as may be next in order to him, according to the rules or organization of his denomination, and two in number, and in any such case these three, or a majority of them, may designate and associate with themselves, or may cause to be selected in accordance with the rules or any such denominations to which they may belong two other members of the same religious denomination, and residents of such diocese, and upon adopting, signing and acknowledging, in duplicate, a certificate, or articles of incorporation, reciting the facts of the association, and of the selection and designation of such two additional persons, and containing the same, general purpose, and place of location of such corporation and filing of one of said duplicates in the office of the county clerk and recorder of the county in which the place of location of such corporation is to be situated, and the other in the office of the secretary of state of this state; the said five persons and their successors in office shall become a corporation with power to take, hold, receive and dispose of any real or personal property, or both, for the use and benefit of such diocese, and for the use and benefit of the religious denomination therein, constituting such diocese, and to administer the temporalities of such diocese, and to establish and conduct schools, seminaries, colleges, and any benevolent, charitable, religious or missionary work, or society of such religious denominations within such diocese, with all the powers and privileges of religious corporations, and shall be capable of suing and being sued, holding, purchasing and receiving title by devise, gift, grant, or otherwise, of and to any property, real or personal, and shall have power to mortgage, sell and convey the same, or any part thereof, and may adopt and establish by-laws, and make all rules and regulations, deemed by them necessary or expedient for the management of its affairs in accordance with law. The persons who may hold the office respectively of bishop, vicar general and chancellor in such denomination, within and for such diocese, and their successors in office, or the two persons who may hold offices next in rank to that of bishop in any denomination, not having officers or dignitaries designated by name as vicar general, or chancellor, shall, by virtue of their respective offices, always be

Execution of articles of incorporation.

Articles and duplicate to be filed where.

Powers of corporation.

Who shall always be members of such corporations.

HeinOnline -- 1913 384 1913

members of such corporation, but on ceasing to hold such office, the corporate membership of each shall at once cease; the term of office of such two persons selected and designated as aforesaid in addition to the bishop, and two other officers or dignitaries, shall be two years from the time of their appointment, and until their respective successors are chosen, and have accepted such office. The successors, respectively of such two persons so selected by the said bishop, vicar general and chancellor, and so signing such articles of incorporation, or corporators, shall unless otherwise provided in the articles of incorporation always be chosen by the said other three corporators, namely, the bishop, vicar general and chancellor, or by any two of them in the case of any denomination having dignitaries designated by these names, and wherever a vacancy shall occur in such membership as to any such corporator so selected, and as often as any such vacancy shall, for any cause, occur, whether by expiration of term, by resignation, death or otherwise, the aforesaid three official corporators shall have power to fill such vacancy; provided, however, that in any denomination having a bishop, but not having a vicar general or chancellor, by such name designated, then these powers shall be exercised by the bishop, and the other official corporators, or any two of them. Every such appointment shall be in writing and entered of record in the minutes of the corporation, and such appointees shall be members of such religious denomination, and residents of the diocese in which the corporation is located. Any corporator so selected may at any time resign, and thereby cease to be a member of such corporation. Such resignation and its acceptance shall be entered on the minutes of said corporation. In case of vacancy in the office of bishop, or of a temporary suspension of his powers to act, the administrator of the diocese, or such other person as may be appointed according to the rules of the particular denomination, to preside over and administer the spiritual and temporal affairs of the diocese during such vacancy, or suspension of powers of the bishop, and while he is such administrator or appointee shall be a member of said corporation with all the powers of such corporator that are by this Act vested in such bishop, and may act in his place and stead, but his membership shall at once cease whenever such vacancy in the office

Term of office of corporation officers.

How successors shall be chosen.

Vacancies to be filled by whom.

Appointment to be in writing and entered in minutes.

Qualification of appointees.

Resignation of corporator.

Vacancies in office of bishop.

Proxies.

HeinOnline -- 1913 385 1913

of bishop shall be filled, or such bishop shall be no longer incapacitated to act by reason of such suspension of his authority. Any member of such corporation may, by writing signed by him, appoint a proxy to represent and act for him, and in his name and stead to vote at any meeting of such corporation.

A parish or local religious corporation may be formed when and by whom.

Section 2. Whenever, and as often as it may be deemed advisable, or desired by the bishop of any religious denomination within the State of Montana, to have created or organized any parish or local religious corporation within the state for the purpose, and with the powers hereinafter specified, he may associate with himself the vicar general of the same diocese, if there be such a dignitary or officer in such denomination, or if not, then the dignitary or officer next in rank to the bishop in said diocese, and the pastor or rector or dignitary performing the function of a pastor or rector in the particular denomination, and of the parish or local congregation wherein any such corporaton is to be located, and which shall be within the diocese of such bishop, and the said bishop, vicar general, and pastor or rector shall, select, designate, and associate with themselves, two lay members of such denomination within the parish, or other subdivision, under the care of such pastor or rector, and the said five persons upon adopting, and signing, and acknowledging in duplicate, a certificate or articles of incorporation, reciting the fact of the association, and of the selection of such laymen as aforesaid, and containing the name, general purpose and place of location of such corporation, and having one of said certificates, or articles, recorded in the office of the County Clerk and Recorder of the county in which such parish or congregation is located, and the other in the office of the secretary of state of this state, the said five persons shall become a corporation, and be invested with all the rights, powers, privileges, of a religious corporation, and they, and their successors in office, in such corporation, to-wit, the said corporation, shall be capable of suing and being sued, holding, purchasing and receiving title by devise, gift, grant or otherwise of and to any property, real or personal, or both, and shall have power to mortgage, sell or convey the same, or any part thereof, subject always to the rules of the denomination to which such corporators may belong, and may adopt and establish by-laws, and

Adoption and acknowledgement of articles of incorporation, and filing of same.

Corporation created.

Powers of the corporation.

HeinOnline -- 1913 386 1913

make all rules and regulations necessary or expedient for the management of its affairs. The persons at any time holding the offices hereinbefore specified in the denomination, and in the diocese in which such corporation is located, together with the pastor or rector, or other person in charge of such denomination in the parish, or congregation, where such corporation is located, and the successor in office of each one of said officers with such diocese, parish or congregation, shall, by virtue of his respective office be a member of and with the two laymen selected and appointed, as aforesaid, shall constitute such corporation. But no person shall have authority to subscribe such articles as bishop, vicar general, pastor or rector, or other official capacity, unless such person is at the time in the occupancy of the particular office, and recognized as such by the proper authority of his denomination, and every such person on ceasing to hold such office in his denomination shall, thereupon cease to be a member of the corporation, and his successor in office shall become entitled to his place in such corporation. The two laymen, or their successors, shall constitute the other members of said corporation. The term of office of each of the two laymen hereinbefore mentioned, and to be designated as aforesaid, shall be two years from the date of the certificate or articles, and thereafter the term of each of the lay members shall be two years from the corresponding date in subsequent years, and until his successor shall have been appointed, and shall have accepted the office. The laymen thus to serve as corporators, or members of such corporation, shall, unless otherwise provided in the articles of incorporation, always be chosen by said other three corporators, to-wit, by the said official corporators, or any two of them, and the said last named corporators, or any two of them shall have power at all times, whenever a vacancy shall occur in the membership as to either of said lay corporators, and as often as any such vacancy may for any cause occur, have power to fill such vacancy. Every such appointment shall be in writing and entered of record in the minutes of the corporation. Any lay corporator may resign his office as corporator, and thereby cease to be a member of such corporation. His resignation shall always be entered on the minutes of said corporation. Should there be, at any time, a vacancy

Who shall constitute the corporation.

Who shall have power to subscribe the articles of incorporation.

Terms of office of the laymen members.

Laymen members to be chosen by whom.

Vacancies how filled.

Appointments to be in writing and entered where.

Resignation.

Vacancy in the office of bishop.

in the office of the bishop belonging to any such corporation, or if there be at any time a person other than the bishop appointed in his stead to administer the spiritual and temporal affairs of said diocese, then during the time of such vacancy or such suspension of the authority of the bishop, the administrator of the diocese of the said bishop, or such other person as may be appointed according to the rules of his denomination to preside over and administer the spiritual and temporal affairs of such diocese shall, while he is such administrator or appointee, be a member of such corporation, with all the powers of such corporator, that are by this Act vested in such bishop, and may act in his place and stead in such corporation, but his membership shall at once cease whenever such vacancy in the office of bishop shall be filled, or such suspension of authority or incapacity to act shall be removed, or shall cease.

In case of division of diocese and one or more new dioceses be formed therefrom.

If any diocese now existing, or hereafter created within any such corporation belonging to such denomination, shall be at any time subdivided according to the rules and practices of such denomination, and one or more new dioceses be formed therefrom, or from parts thereof, the bishop and vicar general, or the dignitary next in rank to the bishop of such new diocese, and their successors in office, shall also appoint and institute, and by virtue of their respective offices forthwith become members of any such corporation within such new diocese, with all the rights, duties, privileges, powers and obligations of such members. And the bishop, and vicar general, or dignitary next in rank to the bishop of the diocese in which such corporation, or corporations, may or were located, prior to such subdivision shall henceforth cease to be members of such corporation, and all of the provisions of this section shall apply, and continue to apply to any such new diocese, and to any such corporation or corporations therein located, with the same force and effect as in the old diocese.

How act shall be construed.

Section 3. Nothing herein contained shall be construed as repealing or modifying any existing provision of law regarding religious corporations, and the provisions of this act shall be deemed additional and alternative provisions.

Section 4. This act shall take effect and be in full

HeinOnline -- 1913 388 1913

force from and after its passage and approval by the Governor.

Approved March 14, 1913.

CHAPTER 88.

"An Act to Provide for the Deposit and Control of All Public Moneys in the possession of and Under the Control of County, City and Town Treasurers; providing for the Payment of Interest on all such Moneys; and to Amend Section 3003 and 3257 of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3003 of the Revised Codes of Montana, of 1907, be and the same is hereby amended to read as follows:

Amending Section 3003, Revised Codes, 1907.

Section 3003. It shall be the duty of the county treasurer to deposit all public moneys in his possession and under his control, excepting such as may be required for current business, in any solvent bank or banks located in his county subject to National Supervision or State examination, as the Board of County Commissioners shall designate and no other, and the sums so deposited shall bear interest at the rate of two and one-half (2½) per centum per annum payable quarterly-annually. The Treasurer shall take from such banks such security in public bonds or other securities, or indemnity bonds, as the Board of County Commissioners of such County may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits on demand.

Deposit of public moneys by county treasurer.

In what banks.

Interest deposits shall bear.

Security to be given.

When more than one such bank be available in any county such deposits shall be distributed ratably among all such banks qualifying therefor, substantially in proportion to the paid in capital of each such bank willing to receive such deposits under the terms of this Act, and it shall be the duty of the County Treasurer to prorate all such deposits among all the banks in his county qualified to receive same as in this act provided, to the end that an equitable distribution of such deposits be maintained. If no such bank exists in the County, or if any bank or banks existing therein fails or refuses to qualify under the terms of this Act to receive such deposits, then and in such case, or in either of such

Distributed among what banks and in what proportions.

When banks of the county refuse to accept the deposits.

HeinOnline -- 1913 389 1913

cases, such moneys or any portion thereof shall be deposited under the terms of this Act in the bank or banks most convenient to such county willing to accept such deposits under the terms of this Act, and qualified as above provided. Any bank or banks receiving such deposits shall, through its President and Cashier make a statement quarter-annually of account under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balances in dollars, and the amount of interest by such bank or banks credited or paid therefor, and showing that neither such bank, nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits with any such bank. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain, in any bank until the security for such deposits shall have been first approved by the Board of County Commissioners and delivered to the treasurer. All interest paid and collected on such deposits shall be credited to the general fund of the county. Where moneys shall have been deposited in accordance with the provisions of this Act, the treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements or for any other cause or reason occassioned through means other than his own neglect, fraud or dishonorable conduct.

Quarterly statements to be made by banks holding such deposits, to show what.

Deposits to be subject to withdrawal at any time.

Security must first be approved by county commissioners.

All interest paid must be credited to the general fund.

Treasurer not liable for loss, except for his own negligence, fraud, etc.

Amending Section 3257, Revised Codes, 1907.

Section 2. That Section 3257 of the Revised Codes of Montana be and the same is hereby amended to read as follows:

Duty of city treasurer.

Section 3257. It shall be the duty of the City Treasurer:

To receive and pay out money, how.

1. To receive all moneys that come to the city or town either from taxation or otherwise, and to pay the same out on the warrant of the Mayor, countersigned by the Clerk, drawn in accordance with law.

Collector of taxes licenses and assessments.

2. To perform such duties in the collection of taxes, licenses or assessments as are or may be prescribed by law or ordinances.

To make monthly financial statements to the council.

3. To present on the first Monday of each month to the council a full and detailed statement of the amounts

HeinOnline -- 1913 390 1913

of money belonging to the city or town received by him, and by him disbursed, during the preceding month, and the state of each particular fund, which statement must be verified by his oath.

To keep correct books and accounts, etc.

4. To keep the books and accounts of the city or town in such manner as to correctly present the condition of the finances thereof, which must always be open to the inspection of the mayor, council or any member thereof.

Separate accounts of each fund.

5. To keep a separate account of each fund or appropriation and the debits and credits thereof.

To give receipts. To render at any time accounts to the council.

6. To give every person paying to him money as treasurer, a receipt therefor, specifying the date of payment, the amount and for what paid.

7. To render at any time an account to the council, showing the money on hand and the condition of the treasury.

Register of warrants.

8. To keep a register of all warrants paid, called "The Registry Book," which must show the date, amount and number, and the person to whom, and the fund from which the same was paid, and to deliver and file with the city clerk all vouchers, warrants or orders paid by him.

Annual detailed account to council, showing what.

9. To annually make out and submit to the city council, at its last meeting prior to May first a detailed account of all receipts and expenditures during the past fiscal year, file the same with the clerk, and an abstract thereof must be published in some newspaper in the city or town, or if none is published, such abstract must be posted in the room or building occupied by the council.

Warrants to be paid in order of registration.

10. To pay out in the order which they are registered all warrants presented for payment, when there are funds in the treasury to pay the same.

Transfer of money from one to another fund.

11. No money must be transferred from one fund to another except by ordinance or resolution of the council.

Deposit public money where.

12. To deposit all public moneys in his possession and under his control, excepting such as may be required for current business, in any solvent bank or banks located in such city or town, subject to National Supervision or State examination, as the council shall designate and no other, and the sums so deposited shall bear interest at the rate of two and one-half (2½) per centum per annum payable quarter-annually.

Deposits to bear what interest.

HeinOnline -- 1913 391 1913

Must require security from banks on deposits.

The treasurer shall take from such banks such security in public bonds or other securities or indemnity bonds as the council may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits on demand.

Distribution of deposits among local banks.

When more than one such bank be available in any city or town, such deposits shall be distributed ratably among all such banks qualifying therefor, substantially in proportion to the paid in capital of each such bank willing to receive such deposits under the terms of this Act, and it shall be the duty of the treasurer to prorate all such deposits among all the banks in such city or town qualified to receive same as in this act provided, to the end that an equitable distribution of such deposits be maintained, but the amount so deposited in any bank shall at no time exceed the amount of the paid in capital of such bank.

When money may be deposited in other than local or city banks.

If no such bank exists in the city or town, or if any bank or banks existing therein fails or refuses to qualify under the terms of this Act to receive such deposits, then and in such case, or in either of such cases, such moneys or any portion thereof shall be deposited under the terms of this Act in the bank or banks most convenient to such city or town willing to accept such deposits under the terms of this act and qualified as above provided.

Quarterly financial statement of banks holding such deposits, to contain what.

Any bank or banks receiving such deposits shall, through its President and Cashier, make a statement quarter-annually of account under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balances in dollars, and the amount of interest by such bank or banks credited or paid therefor, and showing that neither such bank nor any officer thereof nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits with any such bank. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain, in any bank until the security for such deposits shall have been first approved by the council and delivered to the treasurer. All interest paid and collected on such deposits shall be credited to the

Deposits to be subject to withdrawal at any time.

Security must be given before any deposits are made.

Interest on deposits to be credited when.

HeinOnline -- 1913 392 1913

general fund of the city or town.

When moneys shall have been deposited in accordance with the provisions of this Act, the treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud or dishonorable conduct.

Treasurer not liable for losses, except when.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect sixty days after its passage and approval.

Approved March 14, 1913.

CHAPTER 89.

An Act relating to Special Improvements in cities and towns, and repealing Sections 3367, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428 and 3429 of the Revised Codes of Montana of 1907; and Chapter 127 of the Acts of the Eleventh Legislative Assembly of the State of Montana, being an Act entitled "An Act to empower city and town councils to pay in installments for any improvements which are to be paid for by special assessment against any property, and for such installments to issue annual interest bearing warrants, and to levy and collect assessments to pay for the same, and to extend the payment of the installments over any period not exceeding eight (8) years, approved March 8th, 1909; and Chapter 62 of the Acts of the Twelfth Legislative Assembly of the State of Montana, being an Act entitled, "An Act to amend Section 3398 of the Revised Codes of the State of Montana, of 1907, and providing that interest coupons for the payment of interest of any special improvement district warrant of any city or town within the State of Montana may bear an engraved or lithographed facsmile signature of the Mayor and City or Town Clerk of such city or town, approved March 2d, 1911."

HeinOnline -- 1913 393 1913

Be it enacted by the Legislative Assembly of the State of Montana:

Open public streets, alleys, places or courts, defined for purposes of this act.

Section 1. All streets, alleys, places or courts, in the municipalities of this state, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, alleys, places or courts, for the purpose of this Act, and the city council of each municipality is hereby empowered to establish and change the grades of said streets, alleys, places or courts, and fix the width thereof, and is hereby invested with jurisdiction to acquire private property for right-of-way and to order to be done any of the work mentioned in this Act under the proceedings hereinafter described.

City council empowered to establish and change grades and fix width of streets, alleys, etc.

When city council may order any street, alley, place or public way, graded, regraded, planked, macadamized, paved, etc.

Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and em powered to order and create the whole or any portion or portions, either in length or width, of any one or more of the streets, avenues, alleys or places or public ways of any such city graded or regraded to the official grade, planked, or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, and to order the construction or reconstruction therein of sidewalks, cross-walks, culverts, bridges, gutters, curbs, steps, parkings, including the planting of grass plots and setting out trees, and sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances; pipes hydrants, hose connections for irrigating and appliances for fire protection; tunnels, viaducts, conduits and subways, breakwaters, levees, retaining walls, bulkheads and walls of rock or other material to protect the same from overflow or injury by water; poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways; the opening of streets, avenues and alleys; the planting of trees thereon, and to maintain, preserve and care for any and all of the improvements herein mentioned, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage pur-

Sidewalks, cross-walks, culverts, curbs, bridges, parking, etc., sewers, ditches, etc.

HeinOnline -- 1913 394 1913

poses or either or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hose connections for irrigating, hydrants and appliances for fire protection and breakwaters, levees, retaining walls and bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts places, public ways and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, alleys or places, or public ways or property or right-of-way of such city, and the city council is also hereby authorized to create a district as hereinafter specified, for the purpose of defraying the cost of acquiring private property for the purpose of opening, widening, or extending any street, avenue or alley within the corporate limits of such city.

Power to create districts.

It is further provided that the council shall have the same jurisdiction and powers as is in this Section above provided, to; before doing any of the work mentioned in this Act, require any public service corporation or company, firm or person occupying such streets, avenues or alleys, at their own expense and within a reasonable time to be fixed by the council, place in an underground conduit, in such manner as may be directed by the city council, all wires, electric conduits, telephone, telegraph, power or power transmission lines, or appurtenances thereto, or appliances owned, held or enjoyed in connection therewith.

Power to require the placing underground conduits for wires, and electric conduits of every kind in public streets, ways, etc.

Section 3. Before creating any special improvement district, for the purpose of making any of the improvements, or acquiring any private property for any purpose authorized by this Act, the city council shall pass a resolution of intention so to do, which resolution shall designate the number of such district, describe the boundaries thereof, and state therein the general character of the improvement or improvements which are to be made, and an approximate estimate of the cost thereof. Upon having passed such resolution the council must give notice of the passage of such resolution of intention, which notice must be published for five (5) days in a daily newspaper; or in some one issue of a weekly paper published in the city or town, or in case

Council shall first pass resolutions of intention to create improvement districts.

Requirements of resolution.

Notice to be given of passage of resolution.

HeinOnline -- 1913 395 1913

Copies of notice to be mailed to each owner in proposed district.

Notice to contain.

no newspaper be published in such city then by posting for five (5) days in three (3) public places in the city or town, and a copy of such notice shall be mailed to every person, firm, or corporation, or the agent of such person, firm, or corporation having property with the proposed district at his last known address, upon the same day such notice is first published or posted. Such notice must describe the general character of the improvement or improvements so proposed to be made and state the estimated cost thereof, and designate the time when and the place where the council will hear and pass upon all protests that may be made against the making of such improvements or the creation of such district; and said notice shall refer to the resolution on file in the office of the City Clerk for the description of the boundaries. The city council may include in one proceeding under one resolution of intention and in one contract any of the different kinds of work mentioned in this Act, and any number of streets and rights-of-way, or portions thereof, and it may except therefrom any of said work, already done, upon a street to the official grade.

What may be included in one resolution and contract.

What lots to be excluded from the assessment.

The lots or portions of lots fronting upon said excepted work, already done, shall not be included in the assessment for the class of work from which the exception is made; provided that this shall not be construed so as to affect the special provisions as to grading contained in Subd. 3 of Section 15 of this Act.

When council may make the cost of improvements on an extended district, including property not facing on improvements.

Section 4. Whenever the contemplated work or improvement in the opinion of the city council is of more than local or ordinary public benefit, or whenever, according to estimates furnished by the city engineer, the total estimated costs and expenses thereof would exceed one-half the total assessed value of the lots and lands assessed, if assessed upon the lots or lands fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, the city council may make the expense of such work or improvement chargeable upon an extended district and which may include other lots not fronting on the improvement and which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvements, and to be assessed to pay the costs and expenses thereof.

HeinOnline -- 1913 396 1913

Time within which written protests may be made by any owner against creation or extent of district.

Section 5. At any time within fifteen days after the date of the first publication of the notice of the passage of the resolution of intention, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent or creation of the district to be assessed, or both. Such protest must be in writing and be delivered to the said clerk of the city council, who shall endorse thereon the date of its receipt by him. At the next regular meeting of the city council after the expiration of the time within which said protest may be so made, the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; provided, however, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon, and the city council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within an extended district, and the city council finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for said improvements, no further proceeding shall be taken for a period of six months from the date when said protest was received by the said clerk of the said city council, except in case the improvements are the construction of sanitary sewers when the said protest may be overruled by an affirmative vote of a majority of the members of the city council. The city council may adjourn said hearing from time to time.

Protest to be in writing and filed where.

Hearing.

When protest is made by a majority of property to be assessed.

No further proceedings to be taken for six months.

Except when.

When council deemed to have acquired jurisdiction to order the proposed improvement.

Section 6. When no protests have been delivered to the clerk of the city council within fifteen days after the date of the first publication of the notice of the passage of the resolution of intention, or when a protest shall have been found by said city council to be insufficient, or shall have been overruled, or when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon, the city council shall be deemed to have acquired jurisdiction to order the proposed improvements.

What description of the work or assessment sufficient after resolution and notice of intention.

Section 7. In all resolutions, notices, orders, and determinations subsequent to the resolution of intention and notice of improvements, it shall be sufficient to briefly describe the work or the assessment district or

HeinOnline -- 1913 397 1913

both and to refer to the resolution of intention for further particulars.

Notice for bids for contracts. How and where published or posted.

Section 8. Notice inviting proposals, and referring to the specifications on file, shall be published at least twice in a daily, semi-weekly, or weekly newspaper, published and circulated in said city, designated by the council for that purpose, and in case there is no newspaper published in said city, then it shall be posted in at least three public places. The time fixed for the opening of bids shall be not less than ten days from the time of the final publication of said notice. All proposals or bids offered shall be accompanied by a check payable to the city, certified by a responsible bank, for an amount which shall not be less than ten per cent (10%) of the aggregate of the proposal. Said proposals or bids shall be delivered to the clerk of the said city council, and said city council shall, in open session, publicly open, examine and declare the same; provided, however, that no proposal or bid shall be considered unless accompanied by said check. The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the municipality; and shall reject all proposals or bids other than the lowest regular proposal or bid of any responhible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid.

Time of opening bids.

Check shall accompany bids.

Bids to be deposited with clerk and opened publicly by council.

May reject all bids.

Contract to be awarded to whom.

May re-advertise for bids when and within what time.

Disposition to checks deposited with bids.

If the bids are rejected or no bids are received the city council may within six months thereafter re-advertise for proposals or bids for the performance of the work as in the first instance, without further proceedings, and thereafter proceed in the manner in this Section provided, and shall thereupon return to the proper parties the checks corresponding to the bids so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of over fifty percent of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvements, as hereinafter provided, then the certified check accompanying his bid and the amount therein

When check deposited with bid shall be forfeited to city.

HeinOnline -- 1913 398 1913

mentioned, shall be declared to be forfeited to said city and shall be collected by it and paid into the general fund.

When any owner of three-fourths of frontage may enter into contract to do the work after any bid has been accepted.

Section 9. The owners of three-fourths of the frontage of lots and lands liable to be assessed, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within three days after the said award, elect to take such work and enter into a written contract to do the whole work at a price at least five per cent less than the price at which the same has been awarded, and all work done under such contract shall be subject to the same plans and specifications governing the lowest responsible bidder. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within three days, or to commence the work within fifteen days after the date of such written contract, and to prosecute the same with diligence to completion, it shall be the duty of the city council to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid.

If contractor neglects, refuses or fails to enter into contract for fifteen days.

Council may re-advertise.

If no bids then received council may, after six months, again call for bids.

Section 10. But if such original bidder neglects, fails or refuses for fifteen days after the notice of award to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then lowest regular bidder. Should no bids be received in response to this second call for proposals, the council may again advertise for bids under the same proceedings at any time within six months from the time set for the last reception of bids, and let the contract to the then lowest bidder, and such delay shall in no way affect the validity of any of the proceedings or assessments levied thereunder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract, as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work.

Bids not to be received from those failing to enter into contract when awarded to them, etc.

When contract not finished in time limited, procedure.

Section 11. If the owners or contractor, who may have taken any contract, does not complete the same within the time limited in the contract, or within such further time as the city council may give him, the city engineer shall report such delinquency to the city council, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore

HeinOnline -- 1913 399 1913

for the letting of the whole in the first instance.

Contractors bond.

Section 12. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the city council with two or more sureties and payable to such city, in a sum not less than twenty-five per cent of the amount of the contract, conditioned for the faithful performance of the contract and indemnifying the city from any detriment, damage or loss growing out of said work; and the sureties shall justify before any person contempt to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions; provided, however, that nothing herein contained shall be construed as to prevent or prohibit the city council from requiring or accepting in any case a bond furnished by a surety company authorized to transact business in the State of Montana.

Amount and condition.

Any owner of property assessed may, within what time, file with city clerk notice of any irregular, defective, erroneous proceedings, or in what manner his property will be damaged.

Section 13: At any time within sixty days from the date of the award of contract any owner or other person, having any interest in any lot or land liable to assessment, who claims that any of the previous acts or proceedings, relating to said improvements, are irregular, defective, erroneous, or faulty, or that his property will be damaged by the making of any of the improvements in the manner contemplated, may file with the city clerk a written notice, specifying in what respect said acts or proceedings are irregular, defective, erroneous, or faulty, or in what manner and to what extent his property will be damaged by the making of said improvements. Said notice shall state that it is made in pursuance of this Section. All objections to any act or proceeding or in relation to the making of said improvements, not made in writing and in the manner and at the time aforesaid, and all claims for damages therefor, shall be waived by such property owner; provided the notice of the passage of the resolution of intention has been actually published and the notices of improvements posted, as provided in this Act.

Requirements of notice.

All objections and claims for damages waived when.

Proviso.

Methods which may be accepted to pay cost of improvements.

Section 14: Subdivision 1. To defray the cost of the making of any of the improvements provided for in this Act, the city council shall adopt one of the two following methods of assessment:

Taxing assessment on each piece of property.

(a) The city council shall assess the entire cost of such improvements against the entire district, each lot

HeinOnline -- 1913 400 1913

or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places; provided however that the city council, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersections out of any funds in its hands, available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for between the corner lot and the inside lots of any block, the council may, in the resolution creating any improvement district, provide that whenever any of the improvements herein provided for shall be along any side street, or bordering or abutting upon the side of any corner lot of any block, that the amount of the assessment against the property in such district, to defray the cost of such improvements, shall be so assessed that each square foot of the land, embraced within any such corner lot, shall bear double the amount of the cost of such improvement that a square foot of any inside lot shall bear.

Council may pay the whole cost of any street, avenue or alley intersection, or include any part of such cost in the assessment on district.

Apportionment of cost between inside and corner lots.

When any improvement shall be along side streets.

(b) The City council shall assess the cost of such improvements against the entire district, each lot or parcel of land within such district, bordering or abutting upon street or streets whereon or wherein the improvement has been made, in proportion to the lineal feet abutting or bordering the same; provided, however, that this method of assessment shall not apply to assessments in improvement districts created under the provisions of Section 4 of this Act; and provided further that the city council, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersections out of any funds in its hands, available for that purpose; or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district.

Cost to be assessed against entire district upon lots in proportion to the lineal feet thereof abutting on the improved street.

Method not to apply when

Council may pay the whole or any part of cost out of what funds.

Whenever any portion of the surface of a street is occupied or used by any person, firm or corporation under a franchise for railway or street railway purposes, the cost and expense of making such improvements between the rails and for one foot on each side thereof shall be paid by the person, firm or corporation

Portion of improvement on street to be paid by street railway company.

HeinOnline -- 1913 401 1913

owning such railway; and where double tracks of railway are laid along a street or streets, such person, firm or corporation owning such railway shall pay the cost of the making of such improvement or improvements between such tracks and between all switches, turnouts and spurs.

Property owned by United States in improvement district to be excluded in resolution of intention from the assessment.

Subd. 2. Whenever any lot, piece or parcel of land belonging to the United States, or mandatory of the government, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said council shall, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement and the cost of said work on improvement in front of said lots, pieces or parcels of land shall be paid by the city from its general fund.

Cost of said work to be paid for by city.

Owner of lots may make what improvements at his own expense, when.

Subd. 3. It shall be lawful for the owner or owners of lots or land fronting upon any street, the width and grade of which shall have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading exclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in such grading, and proportions performed by each owner, and that the same is done to established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the city engineer, which certificate the engineer shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest shall be entitled to credit, on the

Certificate to be obtained from city engineer.

Filing and recording of engineers certificate.

Credit to be granted on grading done on street thereafter.

HeinOnline -- 1913 402 1913

assessment upon his or their lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; provided, however, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the city clerk shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and land owned, respectively, by said certified owners and their successors in interest; provided, however, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work (excepting grading) on such street, in front of any block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; provided, that the work so done at the expense of such owner or owners, shall be upon the official grade and in condition satisfactory to the city engineer at the time said order is passed.

Limit to the credit to be given.

Duty of city clerk regarding such grading.

When other improvements shall have been done by the owner of any lot, what credit shall be given.

Subd. 4. The terms, lot, lots, lands, piece or parcel of land, wherever mentioned in this Act, shall be deemed to include and shall include property owned or controlled by any person, firm or corporation as a railroad, street or interurban railroad right-of-way, and wherever

Definition of terms "lot," "lots," "lands," "pieces or parcels of land" as used herein.

HeinOnline -- 1913 403 1913

a railroad, street or interurban railroad right-of-way shall front on or about or parallel or be included within or divide longitudinally any street improved under the provision of this Act or shall be included within any district to be assessed for the cost of any improvement provided in this Act, such railroad right-of-way (whether the same is own in fee or as an easement) shall be included in the assessment. and shall be assessed with the same effect as other lots, lands or pieces or parcels of land are assessed, as provided in this Act, and such railroad, street or interurban railroad right-of-way shall be subject to sale for non-payment of assessments as in this Act provided.

When railroad right of way shall be included within improvement district, and assessment.

Right of way shall be subject to sale for non-payment of assessments.

Section 15: A sewer system may be established in a city ,which system may be divided into public, district, and private sewers.

Sewer system and classifications thereof.

Public sewers may be established and constructed along the principal course of drainage at such times, to such an extent, of such dimensions and material, and under such regulations as may be prescribed by the council; and there may be constructed such branches and extensions of sewers already constructed, or to be constructed, as may be considered expedient.

Public sewers may be established and constructed where and when.

Branches.

To defray the cost of such public sewers, the council may appropriate moneys therefor from the General or Sewer Fund, or by availing itself of moneys derived from a bond issue authoried by the constitution and laws of the State.

Cost of construction to be paid from what funds.

It is further provided that when a public or main sewer also serves as a district sewer, the city council may assess the property bordering or abutting upon such public sewer either at the time of its construction or at any future time for an amount equal to the estimated cost of such district sewer capable of accomodating such property.

Public sewers serving as district sewers.

Property may be assessed on account of when.

Section 16: To defray the cost of making improvements in any Special Improvement District, or of acquiring property for the opening, widening or extending any street or alley, or to defray the cost and expense of changing any grade of any street, avenue or alley, the City Council shall by resolution levy and assess a tax upon all property in any district created for such purpose by using for a basis for assessment one of the methods set forth in Section 15 of this Act. Such resolution shall contain a description of each lot

How levy to be made for extending, grading, widening, changing grade of or acquiring right of way for streets alleys, etc., upon property of the district.

Bases of assessment.

HeinOnline -- 1913 404 1913

and parcel of land with the name of the owner, if known, and the amount of each partial payment to be made and the day when the same shall become delinquent.

Resolution to contain what.

Section 17: Such resolution, signed by the mayor and clerk, shall be kept on file in the office of the city clerk, and a notice signed by the city clerk stating that the resolution levying the special assessment to defray the cost of such improvements is on file in his office, subject to inspection for a period of five days, shall be published at least once in a newspaper published in the city or town. Such notice shall state the time and place at which objections to the final adoption of such resolution will be heard by the council, and the time for such hearing shall not be less than five days after the publication of such notice. At the time so fixed the council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and may, by resolution, modify such assessment in whole or in part. A copy of such resolution, certified by the city clerk, must be delivered to the city treasurer within two days after its passage.

Resolution making levy to remain on file and notice given, for 5 days, thereof by publication.

Contents of notice.

Hearing objections.

Assessment may be modified.

Section 18: Where trees have been planted, grass plots constructed, and grass sown thereon, or any one or more of said improvements have been made in a Special Improvement District, it is hereby made the duty of the council of said city or town to cause said trees and grass to be watered, the grass cut, and trees trimmed and to otherwise maintain and preserve said improvements, as the council shall deem suitable and proper, and the whole cost of so maintaining said improvements in any improvement district shall be paid by assessing the entire district in either one of the two methods set forth in Section 15 of this Act. I shall be the duty of said council to estimate as near as practicable the cost of maintaining the improvements in each district for the season; and before the first Monday in September of each year, the council shall pass and finally adopt a resolution levying and assessing all the property within the several districts with an amount equal to the whole cost of maintaining said improvements within the several districts and in the manner as hereinabove provided. Said resolution levying assessments to defray the cost of maintenance of such improvements shall be in every manner prepared and

Care of street parking.

Cost of care of parking to be paid how.

Levy of assessment for maintaining the improvements, to be made when and how.

Resolution levying assessment for maintenance to be prepared and certified how.

HeinOnline -- 1913 405 1913

Money collected to be paid into what fund.

certified to the same as a resolution levying assessments for making improvements in said Special Improvement Districts, and the money collected therefor shall be paid into a fund known as "Special Improvement District No. ... Maintenance Fund," the number of which shall correspond with the number of the Special Improvement District in which the improvements so maintained are situate; provided, however, that the city council shall have the power not more than once in a year of changing by resolution the boundaries of any maintenance district.

When boundaries of maintenance district may be changed.

Any amount recovered as damages to any property in the district shall be added to the amount of cost of making the improvement, when.

Section 19. Whenever the owner or anyone interested in any property situated within any special improvement district, after having filed with the clerk the written notice required by Section 14 of this Act, shall be awarded or recover any amount on account of damages sustained to such property by reason of the construction of any improvement in said special improvement district, if the resolution levying assessment to defray the cost of making such improvements in said district has not been passed and adopted by the city council, the amount so awarded or recovered shall be added to and constitute a part of the cost of the making such improvements; but if the resolution levying assessments to defray the costs and expenses of making said improvements has been passed and adopted by the city council, it shall pass and adopt a supplemental resolution levying additional assessments against all the property in said district for the purpose of paying the amount so awarded or recovered. Said supplemental resolution shall be made and in every manner prepared and certified, the same as the original resolution levying assessments to defray the cost of making such improvements.

Addition resolution and assessment to pay damages.

When council may order sidewalks and curbs in front of any lot without formation of a special improvement district.

Section 20. The city council may order sidewalks and curbs constructed in front of any lot or parcel of land without the formation of a Special Improvement District, and whenever the council shall order any such sidewalk or curb constructed, such order shall be entered upon the minutes of the council and shall name the street along which said sidewalk or curb is to be constructed. After the making of such order, written notice thereof shall be given the owner or agent of such property, in such manner as the council may direct. If the owner or agent of such lot or parcel of land shall

Proceeding.

HeinOnline -- 1913 406 1913

fail or neglect for a period of thirty days after the date of service of such notice to cause such sidewalk or curb to be constructed, the City may construct or cause such sidewalk or curb to be constructed, and shall assess the cost thereof against the property in front of which the same are constructed.

Written notice of order to be given owner.

When city may construct sidewalk or curb and assess lot for cost thereof.

When any such sidewalk or curb is constructed by or under direction of the city council, payment for the construction thereof shall be made by Special warrants in such form as may be prescribed by ordinance drawn against a fund to be known as "Special Sidewalk and Curb Fund," which warrants shall bear interest at the rate of six per cent per annum, and the Council may provide for the payment of said interest annually.

Warrants issued in payment of sidewalk or curbs constructed by the city.

Warrants to bear what interest.

The payment of assessments to defray the cost of construction of said sidewalks and curbs may be spread over a term of not to exceed 8 years, payment to be made in equal annual installments.

Payments for construction such sidewalks or curbs may be in 8 annual installments.

The city council shall annually and before the first Monday of October of each year, pass and adopt a resolution levying an assessment and tax against each lot or parcel of land in front of which sidewalks and curbs have been constructed under orders of the city council. Said resolution levying such assessment shall be in every manner prepared and certified the same as resolutions levying assessments for the making of improvements in Special Improvement Districts.

Levy of assessment for such construction to be made when.

Resolution for same.

Section 21. Upon all special assessments and taxes, levied and assessed in accordance with any of the provisions of this Act, simple interest shall be charged at the rate of six per cent (6%) per annum, and the treasurer in collecting such special assessment taxes, if the same are payable in one installment, shall collect such interest as may be shown to be due thereon by the resolution levying such assessment; and if such assessment be payable in installments the treasurer shall, at the time of collecting the first installment, collect such interest as may be shown to be due on such assessment by the resolution levying such assessment, and thereafter he shall collect with each subsequent installment interest on the whole amount remaining unpaid.

All special assessments and taxes to bear simple interest at rate of six per cent.

How and when interest to be collected.

Section 22: The cost and expense connected with and incidental to the formation of any special improvement district, including costs of preparation of plans, specifications, maps, plats, engineering, superintendence

All costs and expenses connected with the formation of special improvement districts, including what, shall be considered part of cost of improvements.

HeinOnline -- 1913 407 1913

and inspection, and preparation of assessment rolls, shall be considered a part of the cost and expenses of making the improvements within such special improvement district; and it shall be the duty of the city engineer to keep an account of all costs and expenses incurred in his office in connection with every special improvement district, and certify the same to the city clerk, whose duty it shall be to prepare all necessary schedules and resolutions levying taxes and assessments in such special improvement districts.

Duty of city engineer concerning such costs.

Section 23: Any special assessment made and levied to defray the cost and expense of any of the work enumerated in this Act, together with any percentages imposed for delinquency, and for cost of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the passage of the resolution levying such assessment, which lien can only be extinguished by payment of such assessment with all penalties, costs and interest.

Assessment and levy shall be a lien upon what property.

How lien can be extinguished.

Section 24: When under any of the provisions of this Act special taxes and assessments are assessed against any lot or parcel of land as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, shall affect such assessment, or render it void or voidable.

No mistake or misnomer shall affect the validity of the assessment.

Section 25: All cost and expenses incurred in the construction of any improvements specified in this Act, in any improvement District, shall be paid for by special Improvement District Bonds or Warrants. Such bonds or warrants shall be drawn in substantially the following form:

Special improvement district bonds and warrants.

Form of bonds and warrants.

District No. .....
United States of America
State of Montana.

Warrant or (Bond No. .....) Dollars $.....

Interest at the rate of 6% per annum, payable annually.

Special Improvement District Coupon Warrant or Bond.

....., Montana.

Issued by the City of ..... Montana.

The Treasurer of the city of ....., Montana will

HeinOnline -- 1913 408 1913

pay to ..... or bearer, the sum of ..... Dollars as authorized by resolution No. ....., as passed on the ..... day of ....., 19..., creating Special Improvement District No. ..... for the construction of the improvements and the work performed as authorized by said resolution to be done in said District, and all laws, resolutions and ordinances relating thereto, in payment of the contract in accordance therewith. The principal and interest of this warrant (or bond) are payable at the office of the City Treasurer of ....., Montana.

This warrant (or bond) bears interest at the rate of six per cent (6%) per annum from the date of registration of this warrant (or bond) as expressed herein, until the date called for redemption by the City Treasurer. The interest on this warrant (or bond) is payable annually on the first day of ..... in each year, unless paid previous thereto and as expressed by the interest coupons hereto attached, which bear the engraved facsimile signature of the Mayor and City Clerk.

This warrant (or bond) is payable from the collection of a special tax or assessment which is a lien against the real estate within said Improvement District, as described in said resolution hereinbefore referred to.

This warrant (or bond) is redeemable at the option of the City at any time there are funds to the credit of said Special Improvement District Fund for the redemption thereof, and in the manner provided for the redemption of the same.

(Seal)

It is hereby Certified and Recited, That all things required to be done precedent to the issuance of this warrant (or bond), have been properly done, happened and been performed in the manner prescribed by the laws of the State of Montana and the resolutions and ordinances of the City of ....., Montana, relating to the issuance thereof.

Dated at ....., Montana, this ..... Day of ....., 19..., City of ..... Montana,

By ..... Mayor

..... City Clerk

Registered at the office of the City Treasurer of ....., Montana, this ..... day of ....., 19....

HeinOnline -- 1913 409 1913

.....

City Treasurer.

Bonds or warrants to be drawn against what fund, and bear interest at what rate.

And the same shall be drawn against the Special Improvement District Fund created for the district, and shall bear interest at the rate of six per cent (6%) per annum, from the date of registration until called for redemption or paid in full, interest to be payable annually on the first day of January of each year, unless the council prescribes another date. Such warrants (or bonds) shall be signed by the mayor and clerk and shall bear the corporate seal of the city. They shall be registered in the office of the clerk and treasurer, and if interest coupons be attached thereto they shall also be so registered and shall bear the signature of the mayor and clerk; provided, however, that said coupons may bear the fac-simile signature of said officers in the discretion of the city council. Said bonds shall be in denominations of one hundred ($100.00) dollars or fractions or multiples thereof; and may be issued in installments, and may extend over a period not to exceed twenty years. Such warrants (or bonds) shall be redeemed by the treasurer when there are funds in the Special Improvement District Fund against which said warrants (or bonds) are issued available therefor; Provided that the treasurer shall first pay out of such Special Improvement District fund annually the interest on all outstanding warrants (or bonds) on presentation of the coupons belonging thereto, and any funds remaining shall be applied to the payment of the principal and the redemption of the warrants (or bonds) in the order of their registration; and provided further, that whenever there are any funds in any Special Improvement District fund, after paying the interest on such warrants (or bonds) drawn against said fund, the treasurer shall call in for payment outstanding warrants (or bonds), which together with the interest thereon to the date of redemption, will equal the amount of said fund on that date, which date shall be fixed by the treasurer who shall give notice by publication once in a newspaper published in the city, or at the option of the Treasurer, by written notice to the holder or holders of such warrants (or bonds), if their address be known, of the number of warrants (or bonds) and the date on which payment will be made, which date shall not be less than ten days after the date of publication or of service of

Interest payable annually.

Execution of warrants or bonds.

Registration.

Coupons.

Denomination of bonds.

Issued how.

May extend over what period.

May be redeemed when.

Interest on all bonds to be paid before any are redeemed.

Order of redemption

Treasurers shall call bonds or warrants when.

Notice by publication to holders of such bonds.

By written notice when.

HeinOnline -- 1913 410 1913

notice, and on which date, so fixed, interest shall cease.

City council shall fix the denomination of such bonds, when.

When it is provided by the resolution creating the district that the words be paid for in bonds, the city council shall by resolution fix the denomination of such bonds which may be of One Hundred Dollars, or fractions or multiples thereof, the rate of interest, which shall not exceed 6% per annum, and providing for the payment or redemption of such bonds at a time certain, which time of payment must not exceed twenty years from and after the date of issuance.

All warrants let under provisions of this act shall be paid in bonds or warrants.

Section 26: Whether provided in the call for proposals, or not, all warrants let under the provisions of this Act shall be payable in bonds or warrants issued under the provisions hereof, and the City Council may provide by contract with the person, persons or corporation doing the work or making the improvement for the payment of which such warrants or bonds are issued, to deliver the said warrants or bonds in installments as the work progresses, or upon the entire completion thereof; provided, however, that no warrants or bonds must be delivered to such contractor or contractors in excess of the amount of the work actually done at the time of the delivery, nor shall the total amount issued be in excess of the total cost and expense of the said improvements, and no warrants or bond shall be delivered or received in payment of a less sum than its face value. And when it becomes necessary to pay for private property taken for the opening, widening or extending of any street, avenue or alley, or to pay any amount awarded or recovered on account of damages to any property caused by the making of any improvements, in money, in cases where the person whose property is so taken or damaged refuses to receive his pay in warrants or bonds, then the Council shall have the power, under such regulations as it may prescribe, to sell such bonds or warrants for not less than par, and devote the moneys derived therefrom to the payment of the damages assessed or agreed upon for such property or the damages thereto.

Contracts may be made to deliver bonds in installments as work progresses, or otherwise.

No warrant to be delivered in excess of work actually done at the time, etc.

Council may sell bonds or warrants for par to pay damages, when and for what cause.

Duty of city clerk when taxes are collected by the county treasurer.

Section 27: It shall be the duty of the city treasurer of every city whose taxes for general, Municipal and administrative purposes are certified to and collected by the county treasurer, in accordance with the provisions of Section 3358, Revised Codes of Montana of 1907, on or before the first Monday of October of each year,

HeinOnline -- 1913 411 1913

County treasurer to collect special improvement tax when.

to certify to the county treasurer of the county in which such city is situated all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, and the county treasurer must collect the same in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him.

City treasurer shall collect special improvement taxes in what cities.

At what time.

What provisions of law to apply.

When one payment becomes delinquent.

In every city which shall provide by ordinance for the collection of its taxes for general, municipal and administrative purposes by its city treasurer, such city treasurer shall collect all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him; and all of the provisions of Section 3357 of the Revised Codes of Montana of 1907 shall apply to the collection of such special taxes and assessments in the same manner as such provisions apply to the collection of other city taxes. When one payment becomes delinquent all payments shall, at the option of the city council, by appropriate resolutions duly adopted, become delinquent, and the whole property shall be sold the same as other property is sold for taxes.

Powers of council to correct any special assessment or tax deemed invalid or questionable, and to re-assess and re-levy.

Assessment against any piece of property may be corrected, when.

Collection and levy of tax upon re-levy.

Section 28: Whenever, by reason of any alleged nonconformity to any law or ordinance, or by reason of any omission or irregularity, any special tax or assessment is either invalid or its validity is questioned, the council may make all necessary orders and ordinances and may take all necessary steps to correct the same and to re-assess and relevy the same, including the ordering of work, with the same force and effect as if made at the time provided by law, ordinance or resolution relating thereto; and may re-assess and relevy the same with the same force and effect as an original levy; whenever any apportionment or assessment is made and any property is assessed too little or too much, the same may be corrected and re-assessed for such additional amount as may be proper, or the assessment may be reduced even to the extent of refunding the tax collected. Any special tax upon re-assessment, or relevy, shall, so far as is practicable, be levied and collected as the same would have been if the first levy had been enforced; and any provisions of any law or ordinance specifying a time when, or order in which acts shall be

HeinOnline -- 1913 412 1913

done in a proceeding which may result in a special tax, shall be taken to be subject to the qualifications of this Act. Any and every ordinance, or part thereof, of any council heretofore passed in substantial conformity with this Section, is hereby legalized.

Ordinances legalized.

Section 29: When any tax levied and assessed under any of the provisions of this Act is deemed unlawful by the party whose property is thus taxed, or from whom such tax is demanded, such person may pay such tax or any part thereof deemed unlawful under protest, to the city or county treasurer, as the case may be, and thereupon such party so paying, or his legal representative, may bring an action in any court of competent jurisdiction against the officer to whom such tax was paid, or against the city in whose behalf the same was collected, to recover such tax or any portion thereof, so paid, under protest; provided, however, that any action instituted to recover any tax paid under protest must be commenced within sixty days after the date of payment thereof. The tax so paid under protest shall be held by the city or county treasurer, as the case may be, until the determination of any action brought for the recovery thereof.

Taxes may be paid under protest when and by whom.

Action may be brought to recover taxes paid under protest.

Time limit for bringing action.

City treasurer to hold such taxes until when.

Section 30. Any mistake in the description of the property or the name of the owner shall not vitiate any liens created by this Act, unless it is impossible to identify the property from the description.

Liens shall not be vitiated by mistake in description of property or name of owner, except when.

Section 31: Subdivision 1. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lot and lands, by deeds duly recorded in the County Recorder's office in each county, or the person in possession of lands, lots, or portions of lots, or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" for the purpose of this Act, according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Who shall be regarded, treated and deemed to be the owner of the property.

Possession of tenant deemed possession of owner.

Subd. 2. The words "work," "improved" and "improvement," as used in this Act, shall include all work or the securing of property mentioned in this Act, and

Terms defined.

HeinOnline -- 1913 413 1913

also the construction, reconstruction and repairs, of all or any portion of said work.

Term "incidental expenses" shall include what.

Subd. 3. The term "incidental expenses," as used in this Act, shall include the compensation of the city engineer for work done by him; also the cost of printing and advertising, as provided in this Act; also, the compensation of the persons appointed by the city engineer to take charge of and superintend any of the work mentioned in this Act; also the expenses of making the assessment for any work authorized by this Act. All demands for incidental expenses mentioned in this Subdivision shall be presented to the city clerk by itemized bill, duly verified by oath of the demandant.

In what newspapers publications shall be made, and how often.

Subd. 4. The notices, resolutions, orders or other matter required to be published by the provisions of this Act, shall be published in a daily newspaper or in a semi-weekly or weekly newspaper, to be designated by the council of such city, as often as the same is issued during the period specified for said publication, and no other statute shall govern or be applicable to the publications herein provided for; provided, however, that in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city except herein otherwise specifically provided. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, printer or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this Act, shall be necessary to give validity to any of the proceedings provided for therein. The word "twice," as used in this Act, referring to the number of times notices, resolutions or other matters shall be published, shall be held to mean the publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or a subsequent week.

Provided; when posting shall answer requirement.

Proof of publication and posting of notices.

The word "Twice," as used in act, defined.

The words "municipality" and "city," as used in act, defined.

Subd. 5. The word "municipality" and the word "city," as used in this Act, shall be understood and so construed as to include, and are hereby declared to in-

HeinOnline -- 1913 414 1913

clude, all corporations heretofore organized and now existing, and those hereafter organized for municipal purposes.

The words "paved" or "repaved," as used herein, defined.

Subd. 6. The words "paved" or "repaved," as used in this Act, shall be held to mean and include pavement of stone, whether paving blocks or macadam, or of bituminous rock or asphalt, or of wood, brick or other material, whether patented or not, which the city council shall by ordinance or resolution adopt.

The word "Street," as used herein, defined.

Subd. 7. The word "street," as used in this Act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, which have been dedicated and accepted according to the law or in common and undisputed use by the public for a period of not less than five years next preceding, and the term "main street" means such actually opened street or streets, as bound a block; and the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

The term "Main street," and the word "blocks," as used herein, defined.

The term "city engineer," as used herein, defined.

Subd. 8. The term "city engineer," as used in this Act, shall be understood and so construed as to include, and is hereby declared to include any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no city engineer the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of the city engineer, and all provisions hereof applicable to the city engineer shall apply to such person so appointed.

The term "city council" defined.

Subd. 9. The term "city council" is hereby declared to include any body or board which under the law is the legislative department of the government of the city.

When duties herein imposed upon the mayor shall be performed by the president of the council.

Subd. 10. In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the president of the Council or other chief executive officer of the municipality.

The terms "clerk" and "city clerk" defined as used herein.

Subd. 11. The terms "clerk" and "city clerk," as used in this Act, are hereby declared to include any person or officer who shall be clerk of the said council.

The term "quarter block" defined as used herein.

Subd. 12. The term "quarter block," as used in this Act, as to irregular blocks, shall be deemed to include

HeinOnline -- 1913 415 1913

all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes all the way to a boundary line of the city.

The term "city treasurer" as used herein, defined.

Subd. 13. The term "city treasurer," as used in this Act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality.

The term "street interesection" defined.

Subd. 14. The term "street intersection," wherever used in this Act, shall be held to mean that parcel of land at the point of juncture or crossing of intersecting streets which lies between lines drawn from corner to corner of all lot lines immediately cornering at such juncture.

When time for hearing by city council is fixed, jurisdiction not lost because hearing not had at time and place.

Section 32. Whenever in proceedings hereunder, a time and place for hearing by the city council are fixed, and, from any cause, the hearing is not then and there held or regularly adjourned to a time and place fixed, the power or jurisdiction of the city council in the premises shall not thereby be divested or lost, but the city council may proceed anew to fix a time and place for the hearing, and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper, such publication to be at least five days before the date of the hearing, and thereupon the city council shall have power to act in as in the first instance.

Council may proceed anew to fix time and place and cause notice thereof to be given, and have power to act.

Duty of city clerk posting and publication of notices, etc., and the duty not herein imposed on any officer.

Section 34. Whenever any resolution, order, notice or determination is required to be published or posted, and the duty of posting or procuring the publication or posting of the same is not specifically enjoined upon any officer of the city, it shall be the duty of the city clerk to post or procure the publication or posting thereof, as the case may be. No proceeding or step herein shall be invalidated or affected by any error or mistake or departure herefrom as to the officer or person posting or procuring the publication or posting of any resolution, notice, order or determination hereunder when the same is actually published or posted for the time herein required.

What errors or mistakes shall not invalidate a proceeding.

Repealing clause.

Section 35. Sections 3367, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, of the revised

HeinOnline -- 1913 416 1913

codes of Montana, of 1907, and chapter 127 of the Acts of the Eleventh Legislative Assembly of the State of Montana, being an Act entitled, "An Act to empower city and town councils to pay in installments for any improvements which are to be paid for by a special assessment against any property and for such installments to issue annual interest bearing warrants and to levy and collect assessments to pay for the same, and to extend the payment of the installments over any period not exceeding eight years," approved March 8th, 1909; and Chapter 62 of the Acts of the Twelfth Legislative Assembly of the State of Montana, being an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana of 1907 and providing that interest coupons for the payment of interest of any special improvement district warrant of any city or town within the State of Montana may bear any engraved or lithographed facsimile signature of the Mayor and City or town clerk of such city or town," approved March 2nd 1911; and all other acts and parts of acts in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall be construed to affect the validity of any bonds or warrants heretofore issued or contracted to be issued under the provisions of any of the sections or laws hereby repealed.

Section 36. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 90.

"An Act to Amend Section 1840 of the Revised Codes of 1907, relating to the quarantine of domestic animals and Texas cattle; and providing that before declaring a quarantine the veterinary shall exhibit to the owner or person in charge a specimen of the parisite, under microscope, or otherwise, for his inspection."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1840 of the Revised Codes of 1907 be and the same is hereby amended to read as follows:

Quarantine against contagious or infectious diseases among domestic animals.

Section 1840. In all cases of contagious or infectious diseases amoung domestic animals or Texas cattle in this State, the State Veterinarian has authority to or-

HeinOnline -- 1913 417 1913

State veterinarian has authority to order when.

Right of owner.

May be ordered dipped before what time.

Locality to be quarintined when, and notify the Governor.

Governor must issue proclamation forbidding what.

When animals are infected by a parasite duty of veterinarian to exhibit same to owner.

Expenses of feeding and caring for animals under quarantine to be paid for by owner.

der the quarantine of the infected premises, provided, however, that before quarantine can be ordered against animals, the owner of said animals can if so desired, immediately obtain the option of some licensed veterinary other than the inspector, making said inspection and if, however the two are of a different opinion in regard to condition of said stock, then the State Veterinarian shall be called to the locality where the case exists to give a decision, which decision shall be final, and if said stock are found to be infected, it shall be the duty of the State Veterinarian to order same dipped on or before the expiration of sixty days, and in case such disease becomes epidemic in any locality in this State, and the State Veterinarian has ordered the locality quarantined, he, the State Veterinarian must immediately notify the Governor, who must thereupon issue his proclamation forbidding any animal of the kind among which such epidemic exists to be transferred from said locality without a certificate from the State Veterinarian showing such animal to be healthy. Provided, however, that when such animals are infected with a disease caused by a parasite which is commonly known, and the exhibition of which to the owner or person in charge will furnish practical information to him of the parasite or disease with which the animals are suffering, and it is practical to exhibit a specimen of such parasite, before declaring a quarantine upon any such premises or animals, the State Veterinarian shall, on demand, in person, or by a duly authorized inspector, exhibit to the owner or person in charge of such animals a specimen of the parasite with which they are alleged to be infected, under a microscope, or in such other manner as to be plainly visible, for his inspection. The expenses of holding, feeding, and taking care of all animals quarantined under the provisions of this act must be paid by the owner, agent, or person in charge of such animals.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in force from and after its passage and approval by the Governor.

Approved March 14, 1913.

HeinOnline -- 1913 418 1913

CHAPTER 91.

"An Act to amend Section 1906 of the Revised Codes of 1907 relating to Bounty Inspectors; Abolishing the Office of Bounty Inspector and Providing, in lieu thereof, that the Sheriff and his Deputies shall act as Bounty Inspectors at the County Seat."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1906 of the Revised Codes of 1907 is hereby amended to read as follows:

Duty of all sheriffs, under-sheriffs and deputies to receive all skins and pelts presented for bounty thereon.

Section 1906. It shall be the duty of the sheriff of any county in this State, and of all undersheriffs and deputy sheriffs located at the county seat, but not elsewhere, to receive and examine all skins and pelts presented for bounty within their respective counties; the said sheriff shall receive ten cents for each skin examined, said amount to be paid by the owner of the skin. Each sheriff, under-sheriff, and deputy sheriff shall, to prevent fraud, minutely examine each skin presented, and should such examination disclose that the scalp and ears with the skin from the entire head of such animal or animals have not been severed, punched, patched, or in any manner marked, he shall there, in the presence of the person presenting such skin, mark such skin by severing the skin from the head, including the ears, and then redeliver the skin or skins to the person presenting the same and shall require the following affidavit from the claimant.

Fee to be paid.

Duty in examining and marking skin.

Bounty Claim.

Form of bounty claim.

State of Montana } ss Affidavit of Claimant
County of ..... }

..... whose post office address is ....., being first duly sworn, deposes and says: That he killed or caused to be killed the animal ..... from which the skin ..... now here presented to ..... the sheriff or deputy sheriff in and for said County of ..... was taken: that such an animal was killed within the bounds of the County of ..... within the ninety days last past, and that the same or the greater number of them were killed nearer to the residence of said Sheriff or Deputy Sheriff than to the residence of any other Sheriff; that his claim is made for bounty pursuant to law for ..... (.....) and ..... (.....) actually killed or caused to be killed by affiant as aforesaid; and that all blanks in this affidavit have been filled out by affiant

HeinOnline -- 1913 419 1913

in his own hand writing, or that because of affiant's inability to write, such blanks were filled out by .... a person other than the Sheriff or Deputy Sheriff at the request of said affiant; and that such person so acting for affiant in filling out the blanks, has signed his name hereto at affiant's request, below the name of affiant, for the purpose of identification of this affidavit, as by law required.

Subscribed and sworn to before me this ..... day of ....., 191....

.....

.....Sheriff .....County ..... Montana"

Statement to be required of one resident taxpayer.

And shall require the written statement of one resident taxpayer residing in the vicinity in which such animal or animals were killed, setting forth that he is a resident taxpayer and taxpayer on livestock, giving his postoffice address and stating that he is personally acquainted with the person presenting the skin or skins, and to his knowledge, information and belief, said person did kill or cause to be killed the animal or animals from which the skin or skins were taken, within ninety days preceding the offering of such skin for a bounty to the sheriff, under-sheriff, or deputy sheriff to which the same is presented; and he shall at the same time make out and deliver to said person a certificate addressed to the county clerk of his county, and immediately deliver to said county clerk a duplicate thereof, showing the date, number, and kind of skins so marked by such severing, and the name of the person presenting the same; also the fact of the filing of the written statement of a taxpayer heretofore required, and the examination made as required, and said certificate shall be duly signed by him in his official capacity: Provided, That when any doubt shall exist as to the kind of skin or skins presented, whether wolf or coyote, the certificate shall be issued for the lesser bounty; and each sheriff shall keep a record in a bound book of all the skins so marked and severed, showing the date, number, and kinds, the names of the persons presenting the same, which book shall be a book of official record; and the sheriff, undersheriff, or deputy sheriff shall immediately string upon a wire all of the said scalps, including the ears thereof as severed by him, and securely seal ends of said wire with a

Shall make and deliver to claimant a certificate and a duplicate thereof to the county clerk, showing what.

Certificate in case of doubt.

Record to be kept by sheriff.

Disposition and marking of scalps.

HeinOnline -- 1913 420 1913

lead seal by means of a punch, both to be furnished by the State Board of Stock Commissioners, each punch to contain a letter of the alphabet, and no two punches in the same county to contain the same letter, numbering seal with a number corresponding with the number of bounty certificate issued for the skin or skins contained thereon, together with his letter; all wolf, coyote, pup wolf, and pup coyote heads to be strung on separate wires respectively, and so noted on said certificate the number of heads on said wire. Neither the sheriff, undersheriff, nor dputy sheriff shall perform any duties under the provisions of this Act except at the county seat.

Wilfully making false certificates or statement by any taxpayer a felony.

Willfully making a false certificate or written statement in any material portion thereof by any taxpayer as herein provided shall be a felony, punishable the same as the crime of perjury. The sheriff, undersheriff, or deputy sheriff is not authorized to examine any skin or issue any certificate except on the first ten days of each month; and any examinaton made or certificate issued on any other day is void. The sheriff shall not later than the 15th of each month render to the county clerk and recorder a report setting forth the names of the persons presenting skins, with the number of the certificate, the kind and number of the skins so presented, as to each and every certificate which he has issued during said month. The County clerk shall upon the receipt of each said certificate file the same in the order in which they are received and safely keep them until the arrival of the skin or skins mentioned in such certificate, properly sealed as hereinbefore provided; and upon the receipt of said skin or skins so sealed he shall call to his assistance either the county treasurer, or in his absence, the clerk of the district court, who, being present, shall both, in order to prevent fraud, minutely examine each scalp strung upon each wire; and should such examination disclose that the scaps as heretofore specified, of such animal or animals, agree with the number and kind of scalps or lower jaw of mountain lion mentioned in the said certificate, the county clerk shall thereupon, in the presence of said treasurer or clerk of the district court, destroy said scalps, without removing same from said wire, by fire; and said county clerk shall then make out and deliver to the person named in said certifi-

When sheriff may examine skins and issue certificates.

Report to be made to county clerk each month.

Duty of clerk therein.

Duty of county treasurer or clerk of district on being called in.

HeinOnline -- 1913 421 1913

cate a second certificate showing the same statement of facts as contained in the certificate of the sheriff, undersheriff, or deputy sheriff, with the additional statement of the examination so made by him, and that he found said scalps to agree with the number and kind mentioned in the certificate of said sheriff, undersheriff, or deputy sheriff, and so stated therein said certificate. In no case should a bounty certificate be issued by the county clerk for more scalps than are actually received and counted by him; and the county clerk shall receive for each scalp, or mountain lion lower jaw, accounted for by him, the sum of five cents, to be paid quarterly by the treasurer out of the bounty fund. The county clerk shall keep a record in a bound book of all certificates so received and issued, showing the date, and description of the number and kind of hides, and the names of the persons presenting the same, which book shall be an official record.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 92.

"An Act to provide that the State University at Missoula, the College of Agriculture and Mechanical Arts at Bozeman, the School of Mines at Butte, and the State Normal School at Dillon, and such Departments of said Institutions as may hereafter be organized, shall constitute the University of Montana; providing for the control, and supervision thereof by the State Board of Education; authorizing said State Board, to employ a Chancellor of the University of Montana; requiring that degrees and diplomas to graduates of the several component Institutions shall run from the University of Montana, and that the State Board of Education, in the exercise of its discretion, shall take such steps and make such rules as may be necessary to prevent unnecessary duplications of courses of instruction in the various Educational Institutions composing said University; to investigate and to make recommendations to the Legislative Assembly with reference to the needs

HeinOnline -- 1913 422 1913

of said Institutions; prescribing a seal for the University of Montana and its Custody, and the affixing of the same to certain documents, degrees, papers and instruments; defining the jurisdiction and authority of the Presidents of the several Institutions composing the University of Montana, and repealing all Acts or parts of Acts in conflict with this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

University of Montana shall be composed of what institutions.

Section 1. From and after the first day of July, 1913, the State University at Missoula, the College of Agriculture and Mechanic Arts at Bozeman, the School of Mines at Butte, and the Normal School at Dillon, and such Departments of said institutions as may hereafter be organied, shall constitute the University of Montana, under the name and style of University of Montana.

Control of the university of Montana vested in the state board of education, which must appoint a president and faculty of each of the various institutions, etc.

Must appoint a chancellor for the university, and designate his powers and duties, as well as those of the president, faculty and officers of the other institutions.

Shall establish rules and regulation for the government of such institutions.

State board of education to have power to grant diplomas, when.

Section 2. The control and supervision of the University of Montana, as hereinbefore constituted, is vested in the State Board of Education, which must appoint a president and faculty for each of the various State institutions constituting The University of Montana, as hereinbefore provided, and such other officers, agents and employees for said University of Montana, and for its component state institutions as the State Board may deem necessary, including, a Chancellor of the University of Montana, and whose powers and duties shall be such as may be prescribed by the State Board of Education, which shall also prescribe the powers and duties of the president, faculty, officers, agents and employees of said institutions composing said University of Montana, and shall also establish for the government of the University of Montana and for its component institutions, and for the instruction given therein, such rules and regulations, not inconsistent with the laws of the State, as may be necessary for the proper government and control of the University of Montana, and its said component institutions.

Diplomas and degrees to run from the university of Montana, specifying what.

Section 3. The State Board of Education shall have power, upon the recommendation of the Executive Board of any of said component institutions, to grant diplomas and to confer the customary degrees on the graduates of all departments of said University, and such degrees and diplomas shall run from the University of Montana, specifying substantially that the graduate has completed the course of study of the Uni-

HeinOnline -- 1913 423 1913

versity of Montana at the College of Science, Literature and Liberal Arts, or the Law Department thereof, at Missoula, or the College of Agriculture and Mechanic Arts at Bozeman, or the School of Mines at Butte, or the Normal School at Dillon, as the case may be.

State board of education to take steps and prescribe rules to prevent unnecessary duplication of courses of instruction in the various component parts of the university.

Section 4. It shall be the duty of the State Board of Education, in the exercise of its discretion, in the government and control of said University of Montana, and its component institutions, as conferred upon it by the Constitution of the State, to take such steps and prescribe such rules as may be necessary to prevent unnecessary duplications of courses of instruction in the various educational institutions composing the University of Montana; to investigate carefully the needs of each of said institutions with reference to buildings, equipment and instruction; to estimate the necessary appropriations required for such needs and to make recommendations to the Legislative Assembly accordingly.

To investigate the needs of each of said institution and report to the legislature.

Seal for University of Montana.

Section 5. The State Board of Education shall adopt and cause to be prepared a seal for the University of Montana, constituted as herein prescribed, which seal shall contain on the face thereof the words "University of Montana," which words shall be arranged on said seal as the State Board of Education may prescribe. Said seal shall remain in the custody of the Secretary of the State Board of Education, and the same shall be affixed to all diplomas and degrees, and all other papers, instruments and documents executed by the said University of Montana, which from their character or nature may require a seal. If a Chancellor of the said University of Montana shall be selected and employed by the State Board of Education, as herein provided for, such diplomas, degrees, papers, instruments and documents shall be signed by the Chancellor of the University and attested by the Secretary of the State Board of Education.

Seal to remain in the custody of the secretary of state board of education and affixed to what papers.

The chancellor of the university ,if selected ,shall sign all diplomas, degrees ,papers, etc.

Duties and powers of the president of each of the institutions constituting the University.

Section 6. The presidents of each of the educational institutions constituting the University of Montana, as herein prescribed, in connection with their respective executive boards of the several institutions, as now prescribed by law, shall have the immediate direction, management and control of their respective institutions, subject to the general supervision, direction and

HeinOnline -- 1913 424 1913

control of the State Board of Education, as now prescribed by law, and no one of the presidents of any of said institutions shall have any direction, control, management or authority in or over any of said institutions, except his own.

Nothing herein shall be construed to contravene, abrogate or conflict with what laws.

Section 7. Nothing herein contained shall be construed to contravene, abrogate, or conflict with any of the provisons of the Act of the Legislative Assembly of the State of Montana approved March 1st, 1909, being Chapter 73 of the Session Laws of the Eleventh Legislative Assembly, or of the Act of said Assembly approved March 8th, 1909, being Chapter 120 of said Session Laws of the Eleventh Legislative Assembly.

Repealing clause.

Section 8. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 14, 1913.

CHAPTER 93.

"An Act to amend Sections 1290 and 1291, Chapter 6 of the Political Code Revised Codes of 1907, designating who shall be eligible for admission into the State Home for Soldiers, Sailors and Marines."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 1290 and 1291 of the Political Code are hereby amended so as to read as follows:

Who shall be eligible to the state home for soldiers, sailors and marines.

"Section 1290. Who eligible to admission. Any soldier, sailor, or marine who served in the army or navy of the United States during the late "Civil War," or in the Mexican War, or in the late War with Spain, or who within the borders of the Territory of Montana, served in the Sioux War of 1876, or the Nez Perce War of 1877, and received honorable discharge therefrom, who at the time of admission is an invalid by reason of disease contracted, wounds received, or by reason of other disability, shall be eligible to admission to the benefits of the home under the rules and regulations prescribed by the Board of managers thereof on the certificate of disability by a county commissioner and the county physician of the county in which the applicant may reside; and the transportation of such applicant to the said soldiers home shall

Certificate of county commissioners and physician.

Transportation to be paid by this county, when.

HeinOnline -- 1913 425 1913

Required residence in the state and county.

be a proper county charge and be paid by said county if the applicant is unable to pay the same. Provided. that the benefits of said home shall not be extended to any one who has not resided within the State of Montana for a period of one year next preceding the date of his application, or to any one who has not resided within the county from which he asks to be sent to the home for the period of three months from the date of his application, nor to any one convicted of a felony or of a crime showing moral turpitude, nor shall any one who has been an habitual drunkard be received without suffiicient evidence of subsequent good conduct and reformation of character as may be satisfactory to the said Board of Managers.

Persons to whom the home shall not be open.

Board of managers may admit the wives and widows of whom and when.

Section 1291. The Board of Managers of the Soldiers Home is authorized and empowered to admit to the privileges of the Home, under such rules as the Board may prescribe, the wives or widows of soldiers or sailors who are inmates or who may be or may have been eligible to admission as inmates and who were married prior to the year 1902.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 94.

"An Act to amend Section 8447—(636) of the Penal Code Relating to Trademarks."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8447—(636) of the Penal Code be amended so as to read as follows:

Wilfully forging or counterfeitting any trademark or name used and recorded, or making use of same, etc., a misdemeanor.

"Section 8447—(636) Every person, association or corporation who knowingly or willfully forges or counterfeits, or procures to be forged or counterfeited, any trademark or name used and recorded by any person in connection with his goods, or affixed thereto to distinguish them from the goods of any other person; or any person, association or corporation who shall make use of any trademark or name, or anything similar thereto, which has been recorded in the office of the Secretary of State for any other person, association or corporation,—with intent to palm off on the public, any goods to which said forged, counterfeit or

HeinOnline -- 1913 426 1913

similar trademark or name is affixed, as the goods of such person whose trademark or name is recorded,—is guilty of a misdemeanor and subject to the penalty therefor provided—it being the intent of this Act that any person owning or using a recorded trademark or name shall be protected in the exclusive use thereof."

Intent of Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 14, 1913.

CHAPTER 95.

"An Act to amend Sections 5 and 16 of Chapter 148, Laws of the Twelfth Legislative Assembly of the State of Montana, entitled "An Act to Create and Establish the office of State Fire Marshal, to provide for his appointment, fixing his salary and Defining his Duties, and defining the duties and powers of certain other officials in relation thereto." Providing for the appointment of Deputy State Fire Marshals, and enlarging the powers of the State Fire Marshal."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 148, Laws of the Twelfth Legislative Assembly of the State of Montana be and the same is hereby amended so as to read as follows:

Amending Section 5 of Chapter 148 of Laws of 1911.

"Section 5. In an emergency, or during the absence or dis-ability of the State Fire Marshal, the State Auditor and Commissioner of Insurance may appoint a specal Deputy Fire Marshal, who shall perform the duties of the office or any duty which may be assigned to him, such appointment to be temporary and to cease when the necessity therefor has been relieved. Said Special Deputy shall be allowed and paid at the rate of Five ($5.00) Dollars per day for each day's service performed in the interest of the State under said appointment, during the period for which said appointment was authorized. His claim for per diem for such service and for necessary traveling expenses incurred in the performance of said duties, properly attested and sworn to, shall be filed with the Comissioner of Insurance or State Fire Marshal, who shall certify to the correctness of the same, and refer said claim so

State auditor may appoint a deputy fire marshal, when.

Duties.

Appointment to cease when.

Compensation of special deputy.

Claim for compensation and traveling expenses to be filed where.

HeinOnline -- 1913 427 1913

certified, to the State Board of Examiners, and upon their approval, as required by law, said claim shall be paid in the usual manner; provided that the warrant issued in payment of said claim shall be charged against the amount appropriated for the expenses of the State Fire Marshal's Office; and provided further, that the State Auditor and Commissioner of Insurance may also appoint Special Deputy Fire Marshals without remuneration."

Payment of claim.

Amending Section 16 of Chapter 148 Laws of 1911.

Section 2. That Section 16 of Chapter 148, Laws of the Twelfth Legislative Assembly of the State of Montana, be and the same is hereby amended so as to read as follows:

When the state fire marshal, deputy or other officer shall order to be repaired, torn down, demolished, materials removed and all dangerous conditions remidied.

"Section 16. If the State Fire Marshal, a Deputy State Fire Marshal, or any officer mentioned in the preceding section, upon an examination or inspection finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason is especially liable to fire and which building or structure is so situated as to endanger other buildings or property, such officer shall order such building or buildings to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied. If such officer finds in a building, or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable conditions of any kind, dangerous to the safety of such buildings or premises, buildngs or property, he shall order such materials removed or conditions remedied. Such order shall be made against and served personally or by registered letter upon the owner, lessee, agent, or occupant of such building or premises, and thereupon such order shall be complied with by the owner, lessee, agent or occupant and within the time fixed in said order."

Duty to order dangerous and combustible materials removed and condition remedied when.

Order to be made against and served upon whom, and how.

Order to be complied with within what time.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1913.

HeinOnline -- 1913 428 1913

CHAPTER 96.

"An Act authorizing the State Game and Fish Warden to appoint six additional deputies, providing for their compensation, and providing the manner in which the same shall be paid."

Be it enacted by the Legislative Assembly of the State of Montana:

Six deputy game and fish wardens to be appointed.

Sec. 1. The State Game and Fish Warden is hereby authorized to appoint in addition to the number of Special Deputy Game and Fish Wardens now allowed by law six additional Special Deputy Game and Fish Wardens who shall be Deputies at large, and may be assigned by the State Game and Fish Warden to any of the districts of the State as he may deem it necessary to protect the fish and game interests. The salary of each shall not exceed the sum of Fifteen Hundred ($1500) Dollars per annum and actual necessary traveling expenses not to exceed Nine Hundred ($900) Dollars per annum, to be paid out of the Fish and Game Fund in the State Treasury in the same manner as salaries and expenses are provided to be paid in the laws of Montana relating to the salaries and expenses paid to Special Deputy Game and Fish Wardens.

Salaries.

Traveling expenses.

Repealing clause.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its approval.

Approved March 14, 1913.

CHAPTER 97.

"An Act establishing a State Athletic Commission and regulating boxing and sparring in the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

State athletic commission created.

Section 1. There shall hereafter be a State Athletic Commission. Within thirty days after this act takes effect the Governor shall appoint three persons to be members of such commission, who shall hold office for the term of five years from the day following the date of their appointment, and who shall each receive a salary of Twelve Hundred Dollars ($1200.00) per annum to be paid monthly from the taxes to be collected as hereinafter described. The commission shall main-

Governor to appoint.

Term of office.

Salaries.

General office to be maintained.

HeinOnline -- 1913 429 1913

Chairman.

Shall adopt a seal and make rules.

Quorum.

tain general offices for the transaction of its business at a place to be by them designated. The members of the commission shall, at their first meeting after their appointment, elect one of their number chairman of the commission, shall adopt a seal for the commission and may make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may hereafter amend or abrogate such rules. Two of the members of the commission shall constitute a quorum to do business; and the concurrence of at least two commissioners shall be necessary to render a choice or decision by the commission.

Secretary, appointment and duties.

May issue subpoenas and administer oaths.

Disobedience to subpoena and false swearing.

Traveling expenses of commission.

To be paid by whom and out of what fund.

Annual report to the legislature.

Section 2. The commission shall appoint, and at its pleasure remove, a secretary to the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe; and he may under direction of the commission issue subpoenas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the District Court and may, under direction of the commission, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the commission. Disobedience of such a subpoena and false swearing before such secretary shall be attended by the same consequences and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the District Court. The necessary traveling and other necessary expenses of the members of the commission, which, including the salary of the secretary shall not exceed the sum of Two Thousand Dollars ($2,000.00) per year, shall be paid monthly by the State Treasurer on a warrant properly drawn out of the proceeds of the tax to be collected as herein provided. The commission shall annually make to the legislative assembly a full report of its proceedings for the year ending with the first day of January, and may submit, with such report, such recommendations pertaining to its affairs as to it shall seem desirable.

Commission vested with what powers.

Section 3. The commission shall have, and hereby

HeinOnline -- 1913 430 1913

is invested with, the sole direction, management, and control of the jurisdiction over all boxing and sparring matches and exhibitions to be conducted, held or given within the state and by any club, corporation or association; and no boxing or sparring match or exhibition shall be conducted, held or given within the state except pursuant to its authority and in accordance with the provisions of this act. The commission may, in its discretion issue, and at its pleasure revoke, a license to conduct, hold or give boxing and sparring matches and exhibitions to any club, corporation or association which shall at the time application therefor be made, own or hold a lease for at least one year upon the building wherein it may be proposed to conduct, hold or give such boxing or sparring match or exhibition and which, if it be an ametuer athletic association, may be incorporated or organized in accordance with the rules of the Amatuer Athletic Union of the United States. Every license shall be subject to such rules and regulations, and amendments thereof, as the commission may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the commission and shall be verified by such officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license, and in addition thereto, such other facts and recitals, as the commission may by rule require to be shown.

Boxing or sparring matches to be conducted and held under supervision and control commission.

May issue license to whom, and revoke same at its pleasure.

License subject to what.

Applications for license to contain what

Section 4. All buildings or structures used or intended to be used, for the purpose of this act, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the laws, ordinances and regulations pertaining to buildings in the city, town or village where situated. Where a part of a building or structure is used for the purpose set forth in this act, this section shall apply in the same manner.

Requirements of places of exhibition.

Section 5. No boxing or sparring match or exhibition shall be of more than twelve rounds in length; and the contestants shall wear during such contests, gloves weighing at least six ounces. No boxing or sparring match or exhibition shall be held by men of the opposite color, to-wit: White men and negroes. Provided,

Twelve rounds the limit of exhibition.

Weight of gloves used.

Matches between men of different races forbidden.

HeinOnline -- 1913 431 1913

Physical examination.

also, that no person or persons may take part in an exhibition or sparring match unless they have first passed a rigorous physical examination to determine their fitness to engage in any such exhibition. Said examination to be conducted by a regular practicing physician, said physician to be designated by the commission.

Conducting, holding or giving sham or fake matches, prohibited.

Section 6. Any club, corporation or association which may conduct, hold or give, or participate, in any sham or fake boxing or sparring match or exhibiiton shall thereby forfeit its license issued in accordance with the provisions of this act, which shall therefore be, by the commission, cancelled and declared void; and it shall not thereafter be entitled to receive another such or any license pursuant to the provisions of this act.

Penalty.

Contestants participating in sham or fake matches.

Section 7. Any contestant who shall participate in any sham or fake boxing or sparring match or exhibition shall be penalized in the following manner; for the first offense, he shall be restrained for a period of six months, such period to begin immediately after the occurrence of such offense, from participating in any boxing competition to be held or given by any club, corporation or association duly licensed to give or hold such boxing or sparring match or exhibition; for a second offense he shall be totally disqualified from further admission or participation in any boxing contest held or given by any club, corporation or association duly licensed for said purpose.

Penalty.

Report of tickets sold and payment of ten per cent of gross proceeds, as a tax, required.

Section 8. Every club, corporation or association which may hold or exercise any of the privileges conferred by this act, shall, within twenty-four hours after the determination of every contest furnish to the commission a written report, duly verified by one of its officers, showing the number of tickets sold for such contest and the amount of the gross proceeds thereof, and such other matters as the commission may prescribe, and shall also within the said time pay to the state treasurer a tax of ten per centum of its total gross receipts from the sale of the tickets of admission to such boxing or sparring match or exhibition, which tax shall be applied to the payment of the expenses of the commission and the salary of the secretary of the commission, as herein provided. And any surplus which shall amount to more than the sum of Five Thousand Dollars ($5,000.00) shall be apportioned by the Governor to any fund to which, in his discretion, he may see fit to

Use of tax money.

Disposition of any surplus over $5,000.00.

HeinOnline -- 1913 432 1913

apportion. Before any license shall be granted to any club, corporation or association to conduct, hold or give any boxing or sparring match or exhibition such applicant therefor shall execute and file with the state treasurer a bond in the sum of Two Thousand Dollars to be approved as to form, and the sufficiency of the sureties thereon, by the state treasurer, conditioned for the payment of the tax hereby imposed. Upon the filing and approval of such bond the state treasurer shall issue to such applicant for such license a certificate of such filing and approval, which shall be by such applicant filed in the office of the commission with its application for such license; and no such license shall be issued until such certificate shall be so filed.

Bond to be given by any club, association, corporation, etc., giving any exhibition or holding any match.

Certificate to be issued by state treasurer.

Section 9. The salaries of the various members of the commission, the salary of the secretary of the commission and the expenses of the commission shall be paid from the tax therein provided for and no part thereof shall be paid from any other fund in the hands of the state treasurer.

Salaries and expenses of commission to be paid from what fund.

Section 10. Whenever any such club, corporation or association shall fail to make a report of any contest at the time prescribed by this act or whenever such report is unsatisfactory to the state treasurer he may examine or cause to be examined the books and records of such club, corporation or association, and subpoena and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of tax due pursuant to the provisions of this act, which tax he may, upon and as the result of such examination, fix and determine. In case of the defulat in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, for a period of twenty days after notice to such delinquent club, corporation or association of the amount at which the same may be fixed by the state treasurer, such delinquent shall, **ipso facto,** forfeit its license and shall be thereby disqualified from receiving any new license or any renewal of license; and it shall in addition, forfeit to the State of Montana the sum of Five Hundred Dollars, which may be recovered by the Attorney General in the name of the State of Montana in the same manner as other penalties are by law recovered.

Powers of state treasurer in case required report and payment of tax within time prescribed.

In case of default in payment of tax and expenses of examination.

Penalty

HeinOnline -- 1913 433 1913

Penalty when no other prescribed.

Section 11. Any person who violates any of the provisions of this act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor.

Annulling city ordinances regulating boxing and sparring.

Section 12. Upon the passage of this act all ordinances and parts of ordinances of cities and towns in this State regarding boxing and sparring shall be inoperative and void, and thereafter no ordinance regarding boxing or sparring shall be passed by any city or town.

Repealing clause.

Section 13. All acts and parts of acts in conflict herewith are hereby repealed.

Section 14. This act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 98.

"An Act providing for the redemption of real estate sold for taxes and the amount necessary to be paid to effect such redemption."

Be it enacted by the Legislative Assembly of the State of Montana:

On redemptions from tax sale redemptioner shall pay subsequent taxes and interest.

Section 1. That in all cases where real estate has been sold for delinquent taxes, the purchaser at such tax sale, or his assignee, may, subsequent thereto, pay the subsequent taxes assessed against said land, and upon the redemption of said land from such tax sale, the redemptioner shall, in addition to the amount for which the said land was sold, with interest thereon, pay the subsequent taxes paid by the purchaser of such tax sale, or his assignee, with interest thereon at the rate of twelve per cent per annum from the date of the payment of such taxes, and in all notices of application for tax deed, the applicant shall state in addition to the amount paid at the tax sale, the amount of subsequent taxes paid by the applicant or his assignee upon such land, with interest thereon at the rate of twelve per cent per annum from the date of such payment, and no redemption shall be made until the amount of such sale, with interest and such subsequent taxes and interest shall have been paid by the person seeking to redeem such lands.

Notices and applications for tax deeds shall state what.

Repealing clause.

Section 2. All acts and parts of acts inconsistent with this Act are hereby repealed.

HeinOnline -- 1913 434 1913

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 99.

"An Act Requiring All Persons Selling Nursery Stock, Fruit Trees, Plants, Vines, Scions or Cuttings Within the State of Montana, as the Agent of any Nursery not Holding a Montana License, to Obtain a License Therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Licenses to be obtained by all agents of or persons selling or offering for sale nursery stock of any nursery not holding a Montana license.

Section 1. That every person who, as the agent of person, firm, corporation or nursery not holding a Montana License, shall solicit orders for or sell within the State of Montana, any nursery stock, fruit trees, plants, vines, scions or cuttings, shall first obtain a license therefor from the State Board of Horticulture of the State of Montana, which license shall extend for the period of one year from the date of issuance thereof; and the fee charged therefor shall be the sum of Ten Dollars ($10.00).

Duration of license.

Fee.

Disposition of money derived from license fees.

Section 2. The money so received from such licenses shall be remitted to the State Treasurer and disposed of in the manner provided in Section 1944 of the Revised Codes of 1907, as the same is amended by Chapter 121 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana.

Licensee shall first execute and file a bond with, whom.

Section 3. Every person who is required to obtain a license as provided in this Act, shall, prior to the issuance of such license to him, execute to and file with the State Board of Horticulture a Bond in the sum of One Thousand Dollars ($1000.00), with two approved sureties, or a Bond of some approved surety company to the effect that the stock sold by him shall be healthy and of the kind and quality ordered by the purchaser, and is as represented by such person acting as such agent.

Misdemeanor to do business without a license.

Section 4. Every person who shall, without first obtaining such license, sell or solicit orders for any of the nursery stock named in Section 1 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars ($100.00), or by imprisonment

Penalty.

HeinOnline -- 1913 435 1913

in the county jail not more than thirty (30) days, or by both such fine and imprisonment.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict with this Act be, and the same are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 100.

"An Act Authorizing And Regulating The Sale Of Game And Game Birds, And Providing A Penalty For The Violation Of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Who may sell game and game birds not killed within this state.

Section 1. It shall be lawful for any merchant, hotel or restaurant keeper to have in his possession, and to offer for sale, and to sell game and game birds, provided that said game and game birds are not, and have not been killed within the state of Montana.

Record which shall be kept by every person having in his possession and offering for sale any game or game birds.

Section 2. It shall be the duty of every person having in his possession and offering for sale any game or game birds, to keep a record showing the amount and kind of game and game birds received by him, together with shipping and transportation receipts showing the true time and place of shipment of said game and game birds, and the name of the person shipping same, provided, however, that any merchant in Montana selling game or game birds to any hotel or restaurant keeper or other person shall, in addition to the record and receipts heretofore required to be kept by him, keep a record of the date of sale, kind and amount of game or game birds and the name of the purchaser; and provided further, that in the case of hotel and restaurant keepers, or other persons buying game or game birds from a merchant within the State of Montana, a receipt from the said merchant showing the date, amount and kind of game or game birds purchased shall be sufficient evidence of compliance with the provisions of this act by such hotel or restaurant keeper or other person.

Merchants receipt sufficient evidence of what.

Duty of every merchant, hotel or restaurant keeper to produce, upon demand of officer, what.

Section 3. It shall be the duty of every merchant, hotel and restaurant keeper having in his possession and offering for sale any game or game birds, to produce upon demand, for the inspection of any game warden or deputy game warden or sheriff, the receipt or

HeinOnline -- 1913 436 1913

record and shipping and transportation receipts required hereby to be kept by him, and a failure or refusal to produce the same upon demand, coupled with the possession and offering for sale of game or game birds, shall constitute prima facia evidence of the violation of this act.

Failure to comply with requirement to keep records and shipping and transportation receipts a felony.

Section 4. Any person who shall have in his possession and offer for sale, or sell any game or game birds without having complied with the provisions of this act relating to the keeping of a record and shipping and transportation receipts, shall be deemed guilty of a felony.

In construction of act meaning of certain words.

Section 5. In the construction of this act the words "game" and "game birds" shall include any and all animals and birds, or parts of the same, the killing of which is restricted or forbidden by the laws of Montana; and the words "merchant," "hotel and restaurant keeper," shall include each and every manager, servant, agent and employe of any such person.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby declared null and void.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 101.

"An Act to Amend Section 3318 of the Revised Codes of the State of Montana of 1907, Relating to the Appointment of Park Commissioners in Cities of the First and Second Class, and Repealing all Acts and Parts of Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 3318 Revised Codes, 1907.

Section 1. That Section 3318 of the Revised Codes of the State of Montana of 1907, be, and the same is, hereby amended to read as follows:

Board of park commissioners created.

Composed of whom.

Qualifications of six members appointed by the Governor.

Section 3318. That there is hereby created in all cities of the first and second class, a Board of Park Commissioners, which shall be composed of the Mayor of the City and six other persons to be appointed by the Governor of the State. The six persons so to be appointed shall have the same qualifications for the office of Park Commissioners as are required by Section 3225 (4749) of the Revised Codes of the State of Montana of 1907, for the office of Mayor. The term of

Term of office.

HeinOnline -- 1913 437 1913

office of each park commissioner shall be two years from and after the first day of May of the year in which he is appointed and until his successor is appointed and qualified, save and except that three of the commissioners first appointed shall hold office for the period of one year from and after the first day of May, 1901, and until their successors are appointed and qualified. Such Board of Park Commissioners shall constitute a department of the City Government with the powers in this Act provided. Before entering upon the discharge of his duties, each park commissioner shall take and subscribe the oath provided by Section 362 (1010) of the Revised Codes of Montana of 1907, which oath shall be filed in the office of the city clerk.

Board to constitute a department of city government.

Oath of office.

On the first Monday in May in each year, said Board of Park Commissioners shall meet and organize by electing one of their number President and one of their number Vice-president, who shall hold their office respectively for the term of one year. The President, and in his absence, the Vice-president, shall preside at all meetings of the Board, and shall countersign all warrants issued by the Board, and perform such other duties as shall be required and directed by the Board. The city clerk shall be ex-officio clerk of the Board of Park Commissioners and shall attend all meetings of said Board and keep correct minutes of all proceedings of said Board in a book to be provided for that purpose by it, to be called "Record of Board of Park Commissioners of the City of ....." It shall be the duty of the City Clerk, as such clerk of the Board of Park Commissioners, to keep an accurate account of all transactions of said Board separate from other city accounts, and to make and submit in writing to said Board at the first meeting in January in each year, a report under oath showing in detail all of the receipts and disbursements made by the Board during the year, which report shall be in duplicate, and after being approved by said Board, one of said duplicates shall be filed in the office of the City Clerk and one in the office of the City Treasurer, and he shall perform such other services as the Board shall require. In the absence of the Clerk at any meeting held by the Board, it shall designate one of its number as Clerk pro tem to keep the minutes of said meeting, which minutes shall be delivered to the Clerk to be transcribed into the

When board shall meet and organize.

Official terms of officers chosen.

Duties of President.

Clerk of the board and his duties

Record.

Annual report of clerk to be made in duplicate.

Filing of report.

Clerk pro tem and duties of.

HeinOnline -- 1913 438 1913

record book of said Board. The minutes of said meeting in said record book contained when approved by the Board, shall be prima facie evidence of the matters and things therein recited in any court of this State.

Recorded and approved minutes to be prima facie evidence of what.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act to take effect and be in force from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 102.

"An Act to provide for the appointment of a special Deputy humane officer, defining his powers and duties and fixing his salary."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Secretary of the State Bureau of Child and Animal Protection is hereby authorized and empowered to appoint a special deputy humane officer whose duties, powers and compensation are herein provided for, and to remove said special deputy from office at any time for cause, and to appoint another person to fill said vacancy.

Special deputy humane officer; appointment.

Power to remove and appoint another.

Section 2. It shall be the duty of such officer to investigate into the welfare of all children who have heretofore been, or may hereafter be, adopted, or who have been placed in Homes, from the Orphans' Home and other places, and to make written reports relative thereto to the Secretary of the State Bureau of Child and Animal Protection at such times as may be by the Secretary of the State Bureau of Child and Animal Protection required, and to make reports annually to the State Bureau of Child and Animal Protection, stating therein, in detail, the work and investigation performed by him.

Duties of special deputy.

Section 3. Said officer shall have like powers and authority as that now possessed by deputies in the State Bureau of Child and Animal protection, and it shall be his duty to assist said Bureau, when not otherwise employed; but nothing herein contained shall be construed to mean that said special deputy humane officer may not be allowed to first perform his special duties required by this Act to the end that friendless, deserted or destitute and abondoned children who are adopted or who have been placed in Homes, may after

Powers and authority.

Duty to assist bureau, when.

HeinOnline -- 1913 439 1913

such adopting or placing in Homes, be cared for in a humane and proper manner.

Salary and necessary expenses.

Section 4. That said special Humane officer shall be paid the sum of Eighteen Hundred ($1800.00) Dollars per annum, payable monthly, together with his necessary traveling expenses, which said traveling expenses shall be audited and allowed as those of other state officers.

Repealing clause.

Section 5. All acts and parts of acts contrary to the provisions of this Act are hereby repealed.

Section 6. This Act shall be in force and effect from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 103.

"An Act to legalize sales of real property belonging to Counties, by Boards of County Commissioners."

Be it enacted by the Legislative Assembly of the State of Montana:

Legalizing and validating sales made by counties under Sub-Sec 10 of Section 2894, Revised Codes.

Section 1. That all sales heretofore made of real property owned in fee simple by any County in this State, by the Board of County Commissioners of any County, the validity of which may be in doubt or involved by reason of the failure of the Board of County Commissioners to Comply with the provisions of Subdivision 10 of Section 2894 of the Revised Codes of the State of Montana, are hereby legalized and declared to be valid and binding sales, and all deeds or conveyances heretofore executed by any Board of County Commissioners, or by its chairman duly authorized by said Board, for and on behalf of any County, transferring and conveying any such real property so sold, are hereby legalized and declared to be valid, and vesting the title of the property so conveyed in the purchaser named in such conveyance, in fee simple.

Legalizing deeds and conveyances.

Repealing clause.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Section 3. All Acts and parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1913.

HeinOnline -- 1913 440 1913

CHAPTER 104.

"An Act to amend Section 1728 of the Revised Codes of the State of Montana of 1907, with reference to the regulation for the protection of street car employees."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1728, Revised Codes, 1907.

Section 1. That Section 1728 of the Revised Codes of 1907 of Montana be and the same is hereby amended to read as follows: From and after said November first, A. D., 1913, it shall be unlawful for any person or persons, partnership or corporation so owning or operating street railways using steam, electric or cable cars, or any superintendent or managing officer or agent thereof, to cause or to permit to be used upon such line of railway, between the said November first and May first of each and every year, any car or cars upon which the services of any employee such a specified in Section one of this Act is required, unless such car or cars shall be provided with the enclosure required by said Section 1728 (1) of this Act. Except that the type of cars known as open cars or summer cars must be equipped with wind shield constructed of glass, iron and wood or other suitable material to extend completely across front of said car or cars to protect such employees from exposure to the inclemencies of the weather.

Unlawful to operate street cars propelled by power without enclosures required by Section 1728, Revised Codes.

Wind shield to be used on summer or open cars.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 105.

"An Act to Regulate Common Carriers, and to provide for certain Rules and Regulations Looking to the Safety and Convenience of the Traveling Public and Shippers upon Railroad or Railway Trains; to Compel the Installation of Suitable Platforms and Station Houses, and to order the Construction of Connecting Tracks where the Line of one Railroad or Railway Crosses, Intersects or Parallels (overhead, at grade, or otherwise), the Line or Lines of another Railroad or Railway; to provide for the apportion-

HeinOnline -- 1913 441 1913

ment of Joint Freight Rates; to Compel the Construction or Extension of Public Loading or Unloading Tracks, and stock yards, Stock Chutes or Stock Pens; and conferring upon the Board of Railroad Commissioners of the State of Montana, Certain Powers in Relation to all the foregoing, Giving the District Court the Power to Enforce the Rulings of the Commission; Giving both Parties the Right of Trial by Jury and appeals, and providing a Penalty for the Violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Additional power granted board of railroad commissioners to compel installation of platforms and station houses at railroad crossings or intersections, etc.

Section 1. The Board of Railroad Commissioners of the State of Montana shall have power and authority in addition to all other powers hereafter vested in said Board, whenever the line of one railroad, or railway shall cross, intersect or parallel, (overhead, at grade, or otherwise), the railroad or railway of another company or corporation, after notice and hearing, to order and compel the installation of sutiable platforms and station houses for the convenience of passengers desiring to transfer from one road to the other and for the transfer of passengers, baggage or freight, whenever the same shall be ordered by the Board of Railroad Commissioners. And such company or corporation shall, when so ordered by the Board of Railroad Commissioners, keep such passenger Station warmed, lighted and opened to the ingress and egress of all passengers a reasonable time before the arrival and after the departure of such trains as accommodate such station, carrying passengers on such railroad or railway. And said railroad or railway companies crossing, intersecting or paralleling, (overhead, at grade, or otherwise), shall stop such trains at said station house so located for the transfer of baggage, passengers and freight, so as to furnish reasonable facilities for that character of a station when so ordered by the Board of Railroad Commissioners, and the expense and construction and maintenance of such station house and platform shall be paid by such corporations in such proportions as they may agree, and if they fail to agree, as may be fixed by order of the Board of Railroad Commissioners. Such corporation connecting by crossing, intersecting or paralleling, (overhead, at grade, or otherwise), shall also when so ordered, after notice and hearing by the Board of Railroad Commissioners, unite

Duty of railroad company concerning the keeping of such stations. Warm, lighted ,etc.

Duty of railroads to stop trains at such stations.

How expense of construction and maintenance to be paid.

Duty of railroads to connect their tracks at such places, when, and in what manner.

HeinOnline -- 1913 442 1913

and connect the tracks of said several corporations so as to permit the transfer from the tracks of said several corporations to the tracks of each other, of loaded and unloaded cars designed for transportation on both roads, provided, however, that no such union or connection shall be ordered except where and when necessary to properly serve the public. The expense of construction and maintenance shall be apportioned, and the material to be used and the route to be followed shall be determined by such corporations as they may agree, and in the event that they fail to agree, as may be fixed by order of the Board of Railroad Commissioners, and the expense thus incurred by the Board of Railroad Commissioners shall be paid by the railroad or railway companies jointly interested, on such basis as the Commission may order.

When such union or connection may be ordered.

Expense of such connections, and maintenance of same to be paid by whom.

Expenses of board.

"Paralleling," as referred to in this Act, shall be held to mean where the main tracks of parallel lines of railroad or railway are not more than two thousand (2,000) feet apart when measured from center to center.

"Parelleling" defined for purposes of this act.

Section 2. Whenever the Board of Railroad Commissioners of the State of Montana shall have established a joint rate for the transportation of freight carried over two or more connecting lines of railroad, railway or common carrier, the railroads, railways or common carriers affected by such joint rate may by agreement provide for the distribution thereof between themselves, and in the event that the railroads, railways or common carriers affected by such rates shall fail to agree upon the distribution of such rate for a period of sixty days after the order fixing and determining such joint rate shall have been made by the Board of Railroad Commissioners, then the said Board of Railroad Commissioners shall have power and it is hereby made its duty to call a hearing of which hearing, the railroads, railways, or common carriers affected by such joint rate shall have at least twenty days notice, and upon such hearing the Board of Railroad Commissioners shall proceed to fix and determine the pro rata distribution of such joint rate between the railroads, railways, or common carriers affected thereby.

Where joint rates are established by the railroad commissioners, railroads may arrange division thereof between themselves.

If the roads affected fail to agree for a period of 60 days, power of the Railroad Commissioners.

Hearing and notice.

Section 3. The Board of Railroad Commissioners of the State of Montana shall have full power and authority after notice and hearing, to compel railroads, railways, or common carriers operating within the State

Power of Railroad Commission concerning construction and extension of loading and unloading tracks, stock yards, chutes and pens.

HeinOnline -- 1913 443 1913

of Montana, to construct or extend public loading or unloading tracks at stations, and shall likewise have full power and authority to compel the construction or extension of stock yards, stock chutes, or stock pens, whenever the necessity therefor has been established to the satisfaction of the Commission.

Power of district. Court to enforce rulings, orders and regulations made by the commission.

Section 4. The District Court shall have jurisdiction to enforce by proper decree, injunction or order, the rulings, orders and regulations made or established by the Commission under the provisions of this Act. The proceedings therefor, shall be by equitable action in the name of the State, and shall be instituted by the Attorney General or County Attorney, whenever advised by the Board that any railroad, railway, or common carrier is violating or refusing to comply with any rule, order or regulation made by the Commission and applicable to such railroad, railway or common carrier. Such proceedings shall have precedence over all other business in such courts, except criminal business. In any action the burden of proof shall rest upon the defendant, who must show by clear and satisfactory evidence that the rule, order or regulation involved is unreasonable and unjust as to him. If in such action, it be the decision of the Court that the rule, regulation or order is not unreasonable or unjust and that in refusing compliance therewith, the railway, railroad, or common carrier is thereby failing or omitting the performance of any duty or obligation the Court shall decree a Mandatory and perpetual injunction compelling obedience to, and compliance with the rule, regulation or order, by the defendant, and its officers, agents, servants, and employees, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant, officer, agent, servant or servants or employees of the defendant, who is in any manner instrumental in such violation, guilty of contempt, and shall be punished by a fine not exceeding one thousand dollars for each offense, or by imprisonment of the person guilty of contempt, until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, regulation or order shall be modified or vacated by the Board of Railroad Commissioners, provided, however, that nothing herein contained shall be construed to deprive either party to

Proceedings, and by whom instituted, when.

Proceedings to have precedence.

Burden of proof.

When the court shall decree obedience to such orders, rules and regulations.

Contempt.

Penalty.

Decree shall remain in effect and in forceuntil when.

HeinOnline -- 1913 444 1913

such proceedings of the right to trial by jury, as provided by the Seventh amendment to the Constitution of the United States, or as provided by the Constitution of this State. Any appeal shall lie to the Supreme Court from the decree in such action, and the cause shall have precedence over all other civil actions of a different nature pending in the Supreme Court.

Right of trial by jury preserved.

Appeals to supreme court to have precedence.

Section 5. Appeals may be taken to the Supreme Court from the judgment of any District Court in any action brought under the provisions of this Act; such appeals shall have precedence over all other business, except criminal business, and original proceedings in such court, and shall be heard and determined as are appeals in civil actions.

Right of appeal to supreme court.

Appeals shall take precedence over, what business.

Section 6. Any railroad, railway, or common carrier may bring an action in the District Court of the County where the principal office or place of business is situated, or in any County where any such rule, regulation or order of the Board of Railroad Commissioners is applicable, against the said Board as defendant, to determine whether or not any such rule, regulation or order made, fixed or established by said Board under provisions of this Act is just and reasonable, provided, that until the final decision in any such action, the rule, regulation or order of said Board affecting any railroad, railway, or common carrier shall be deemed to be final and conclusive; and provided, further, that in any action, hearing or proceeding in any court the rules, regulations and orders made, fixed and established by said Board shall prima facie be deemed to be just, reasonable and proper. All costs and expenses incurred in the hearing, trial or appeal of any action brought under this section, shall be fixed and assessed as by the court may seem just and equitable.

Actions may be brought against the board of commissioners, when, and for what purpose.

Such rules, regulations and orders of the commission to be deemed final and conclusive until when.

The same shall, prima facie, be deemed just, reasonable and just, in any such action.

Costs and expenses incurred in such action.

Section 7. Any railroad or railway company, or common carrier, its officers or agents, subject to the provisions of this Act, who shall refuse or fail to comply with the provisions of this Act or any order, rule or regulation relative thereto, made by the Board of Railroad Commissioners, shall be subject to a fine of not less than Twenty-five dollars ($25.00), nor more than Fifty Dollars ($50.00), and each day of such refusal or failure shall be deemed a separate offense and be subject to the penalty herein prescribed, such fine to be recovered in a civil action upon complaint of the Board

Railroad or railway company or common carrier, failing, refusing to comply with any order, rule or regulation.

Penalty.

How fine to be recovered.

HeinOnline -- 1913 445 1913

of Railroad Commissioners in any court of competent jurisdiction.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 106.

"An Act to provide for the support of the Government of the State of Montana for the years 1913 and 1914."

Be it enacted by the Legislative Assembly of the State of Montana:

State levy for the year 1913 for state purposes.

Section 1. There is hereby levied for State purposes upon all of the property in the State liable to taxation for the year 1913, an advalorem tax of two and one-half (2½) mills on each dollar of the valuation of such property.

State levy for the year 1914 for state purposes.

Section 2. There is hereby levied for State purposes upon all of the property in the State liable to taxation for the year 1914, an advalorem tax of two and one-half (2½) mills on each dollar of the valuation of such property.

State levy for interest upon and redemption of bonds issued pursuant to chapter 58, laws of 1907, during year of 1913.

Section 3. There is hereby levied upon all of the property in the State liable to taxation for the year 1913 an advalorem tax of one-fourth (¼) mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, laws of 1907.

State levy for year 1914 for interest and redemption of bonds issued pursuant to chapter 58, laws of 1907.

Section 4. There is hereby levied upon all property in the State liable to taxation for the year 1914 an advalorem tax of one-tenth (1-10) mill on each dollar of the valuation of all such property for the purpose of paying interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, laws of 1907.

State levy for year of 1913 for paying interest and for redemption of bonds issued pursuant to chapter 144 of laws of 1911.

Section 5. There is hereby levied upon all of the property in the State liable to taxation for the year 1913 an advalorem tax of one-fourth (¼) mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sink-

HeinOnline -- 1913 446 1913

ing fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 144, laws of 1911.

Section 6. There is hereby levied upon all property in the State to taxation for the year 1914 an advalorem tax of one-fourth (¼) mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 144, laws of 1911.

State levy for year of 1914 for paying interest and redemption of bonds issued pursuant to chapter 144, laws of 1911.

Section 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 107.

"An Act to amend Sections 6837 and 6839 of the Revised Codes of Montana, of 1907 relating to the redemption of real estate sold on execution."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6837 of the Revised Codes of the State of Montana be, and the same hereby is, amended to read as follows: "Section 6837. Property sold subject to redemption, as provided by the last Section, or any part sold separately, may be redeemed in the manner hereinafter provided, by the following persons or their successors in interest:

Amending section 6837 Revised Codes, 1907.

Property sold under execution may be redeemed.

1. The judgment-debtor or his successor in interest in the whole or any part of the property, and if the judgment-debtor or successor be a corporation, then by a stockholder thereof.

By judgment-debtor or his successor in interest.

Stockholder of corporation.

2. Acreditor having a lien by judgment, mortgage or attachment on the property sold or on some share or part thereof, subsequent to that on which the property is sold. If a corporation be such creditor then any stockholder thereof may redeem. The persons mentioned in the second division of this Section are in this chapter termed "Redemptioners."

A creditor having a lien, subsequent.

When stockholder of a corporation may redeem.

"Redemption" defined.

Section 2. That Section 6839 of the Revised Codes of the State of Montana be, and the same hereby is, amended to read as follows: "Section 6839. If property be so redeemed by a redemptioner, another re-

Amending section 6839 Revised Codes.

HeinOnline -- 1913 447 1913

When subsequent redemptioners may redeem from prior.

Amount to be paid by last redemptioner.

Judgment which need not be paid as a lien.

Property may be redeemed how often, and within what time.

Amount to be paid with each redemption.

Notice of redemption to be given to whom.

May be redeemed without paying taxes, assessments or lien, when.

Purchaser entitled to a deed when no redemption made within one year.

When last redemptioner entitled to a deed.

Judgment debtor to have one year within which to redeem, in all cases.

Amount to be paid by judgment debtor.

Effect of redempton by judgment debtor.

demptioner may, within sixty days after the last redemption, again redeem it from the last redemptioner on paying the sum paid on such last redemption with interest thereon at the rate of one per cent per month in addition and the amount of any assessment or taxes which the last redemptioner may have paid thereon after the redemption by him, with like interest on such amount, and in addition the amount of any liens held by the said last redemptioner prior to his own with interest; but the judgment under which the property was so sold need not be so paid as a lien. The property may be again, and as often as any redemptioner is so disposed, redeemed from any previous redemptioner, within sixty days after the last redemption, on paying the sum paid on the last previous redemption with interest thereon at the rate of one per cent per month and the amount of any assessment or taxes which the last previous redemptioner paid after the redemption by him, with like interest thereon and the amount of any liens, other than the judgment under which the property was sold, held by the last redemptioner previous to his own, with like interest. Written notice of redemption must be given to the sheriff, and a duplicate filed with the county clerk, and if any taxes or assessments are paid by the redemptioner, or if he has or acquired any liens other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and filed with the county clerk, and if such notice be not filed the property may be redeemed without paying such tax, assessments or lien, If no redemption be made within one year after the sale, the purchaser or his assignee, is entitled to a conveyance, or, if so redeemed, whenever sixty days have elapsed and no other redemption has been made, and notice thereof given, and the time for redemption has expired, the last redemptioner or his assignee is entitled to a sheriff's deed; but in all cases the judgment debtor shall have the entire period of one year from the date of the sale to redeem the property. If the judgment debtor redeem, he must make the same payments as are required to effect a redemption by a redemptioner. If the debtor redeem, the effect of the sale is terminated, and he is restored to his estate. Upon a redemption by a debtor, the person to whom the payment was made must execute and deliver to him a

HeinOnline -- 1913 448 1913

Certificate of redemption.

certificate of redemption, acknowledged or proved before an officer authorized to take acknowledgments or conveyances or real property. Such certificate must be filed and recorded in the office of the County Clerk of the county in which the property is situated, and the County Clerk must note the record thereof in the margin of the record of the certificate of sale.

Filing and recording certificate of redemption.

If stockholder of corporation redeems the corporation may redeem from him, in what time and how.

If a stockholder of a corporation redeems, the corporation, within one year after the date of sale, may redeem by paying to the redemptioner, or the sheriff for his benefit, the amount paid to effect the redemption with interest thereon at the rate of one per cent per month from the date of redemption until the date of such payment, together with any taxes or assessments that may have been paid by the redemptioner with like interest thereon. When a stockholder redeems, any other stockholder or stockholders may, at any time after such redemption, and within sixty days after the expiration of one year from the date of sale, contribute to the redemption by paying to the redeeming stockholder or depositing with the sheriff for his benefit, a sum which bears the same proportion to the amount necessary to redeem which the number of shares owned by such contributing stockholder or stockholders bears to the number of sharer of such corporation outstanding, with interest on such sum from the date of redemption until the date of contribution at the rate of one per cent per month, together with a like proportion of the taxes or assessments paid by such redeeming stockholder, with like interest thereon, and if the corporation does not redeem the property within the time and in the manner and form as aforesaid, the said redeeming and contributing stockholders shall be entitled to receive a sheriff's deed for such property so redeemed, and shall succeed to the said property as tenants in common in such proportions respectively as they shall respectively pay or contribute to such redemption as aforesaid. The redeeming or contributing stockholder shall, in all cases when applying to redeem or contribute as aforesaid, present an affidavit, setting forth the number of shares of stock owned by him, and to the best of his knowledge, the number of shares of stock of the corporation outstanding."

When stockholder is the redemptioner, rights of other stockholders to protect their interest in the property, and how.

Deed from sheriff to contributing stockholder.

Affidavit of contributing redeeming stockholder.

Section 3. All acts and parts of acts inconsistent with this Act are hereby repealed.

Repealing clause.

HeinOnline -- 1913 449 1913

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 108.

"An Act regulating and limiting the hours of employment for female employees, and governing the conditions under which female employees shall work, in certain industries and providing penalties for violation thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Nine hour day for women.

Section 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, telephone exchange room, or office, or telegraph office, laundry, hotel or restaurant in this State, for more than nine hours in any one day. The hours of work may be so arranged so as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four of any one day, provided that females may be employed, in retail stores to work, not to exceed ten hours in any one day for one week immediately preceding Christmas Day; and provided further, that over time at extra compensation shall be allowed where life or property is in imminent danger.

Hours of work may be arranged how.

Hours in retail stores during week preceding Christmas.

When life or property in imminent danger.

Seats for female employes shall be provided, when.

Section 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not employed in the active duties of their employment.

Permitted to use seats when.

Violations of requirements of act a misdemeanor.

Section 3. Any employer who shall require any female to work in any of the places mentioned in Section 1, more than the number of hours provided in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ, so that they shall not work more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect or refuse to provide suitable seats, as provided in Section 2 of this act, or who shall permit or suffer any overseer, superintendent or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall

HeinOnline -- 1913 450 1913

be fined for each offense not less than Fifty ($50.00) Dollars, nor more than Two Hundred ($200.00) Dollars, or be imprisoned in the county jail for a period of not less than ten nor more than sixty days, or both such fine and imprisonment. Penalty.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 109.

"An Act authorizing the Board of County Commissioners in each County to appropriate money out of the General Fund of the County Treasury, for the purpose of paying part salary and expenses of a County Agricultural Instructor."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The county commissioners of any county in the State of Montana, when so requested by fifty-one per cent of the qualified voters engaged in agricultural pursuits in the county, may appropriate out of the general fund of the county treasury the sum of One Hundred ($100.00) Dollars per month, for the purpose of paying part salary and expenses of a county agricultural instructor. Said agricultural instructor to be nominated by and be under the direction of the Director of the Montana Agricultural Experiment Station, or by and under such agent, or agents, as he shall name. The remainder of the salary and expenses shall be paid from funds appropriated by the State Legislature or by the Congress of the United States, or from any funds set apart for this purpose by any department of the United States Government, or from any other source, or from funds made available from any or all of the above sources.

County commissioners authorized to appropriate $100 per month towards salary of an agricultural instructor, when.

Instructor to be nominated by and to be under the directions of whom.

Remainder of salary and expenses to be paid from what funds.

It is provided, however, that the expenditure of any funds given to the State for a county agricultural instructor, whether appropriated by the State Legislature or by the Congress of the United States, or from any Department of the United States, or from any other source, shall be contingent upon the contribution of One Hundred ($100.00) Dollars per month by the

Expenditure of state funds to be contingent upon what.

HeinOnline -- 1913 451 1913

County in which said county agricultural instructor is located.

When one instructor serves two or more counties.

In the event that two or more counties are served by one agricultural instructor, the appropriation made by each county, shall be an equal amount from each county, but in no case more than One Hundred ($100.00) Dollars for each instructor employed.

Repealing clause.

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval by the Governor.

Approved March 17, 1913.

CHAPTER 110.

"An Act to amend Section 38 of Chapter 146 of the Laws of Montana of 1909, relating to the limitations on Debt incurring power and extending the powers of Commissioners of Irrigation Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sect 38 of chapter 146, laws of 1909.

Section 1. That Section 38 of Chapter 146 of the Laws of Montana of 1909, be, and the same is, hereby amended so as to read as follows:

Power of commissioners of irrigating districts to incur debts and liabilities, limited.

Debt incurred in excess of such expressed provision void, except for what.

What debt, to extent of fifty cents per acre, may be incurred.

Section 38. Limitations on Debt Incurring Power. The Board of Commissioners, or other officers of the District shall have no power to incur any debt or liability whatever either by issuing bonds, or otherwise, except as provided in this Act; and any debt or liability incurred in excess of such express provision, shall be, and remain absolutely void, except that for the purpose of organization, or for any of the immediate purposes of this Act, or to make, or purchase surveys, plans and specifications, or for stream gauging and gathering data, or to make any repairs occasioned by any calamity or other unforseen contingency, the Board of Commissioners may, in any one year, incur an indebtedness of one-half as many dollars as there are acres in the District, and may cause warrants of the District to issue therefor, bearing interest at the rate not to exceed six per centum per annum.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1913.

HeinOnline -- 1913 452 1913

CHAPTER 111.

"An Act to amend Section 3240 of the Revised Codes of Montana of 1907 relating to salaries of Mayor and Aldermen."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending section 3240 of Revised Codes, 1907.

Section 1. That Section 3240 of the Revised Codes of the State of Montana, 1907, be, and the same is hereby amended so as to read as follows:

Limit to amount of salaries of the mayor and aldermen in the different class cities.

Section 3240. Salaries of Mayor and Aldermen. The annual salary of a mayor of a city of the first class must not exceed four thousand dollars; and the annual salary of the mayor of a city of the second class must not exceed two thousand dollars; and the annual salary of the mayor of a city of the third class must not exceed six hundred dollars; and each alderman in a city of the first class may be allowed and paid not exceeding six dollars per diem, to be fixed by ordinance, for each day of session held by city council; Provided, that no alderman shall be paid for more than five days' service during any one month; and aldermen of cities of the second and third class may be allowed and paid not exceeding three dollars per diem for each day of session, to be fixed by ordinance, but no alderman shall be paid for more than two days' service during any one month. No salary or compensation shall be allowed to the mayor or alderman of a town. No person shall be elected to the office of mayor or alderman in any city who is not a resident and free-holder within the limits of the city.

Amount which may be paid aldermen in cities of the first class.

Number of days per month may be paid for.

In cities of second and third class.

Two days' service per month.

No salaries to aldermen in towns.

Qualifications of mayor and aldermen in towns.

Repealing clouse.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 17, 1913.

CHAPTER 112.

"An Act to amend Sections 2957, and 3116 of the Revised Codes of Montana of 1907, entitled, 'An Act enumerating county officers and fixing the compensation of such officers according to classification of counties.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2957 of the Revised Codes

HeinOnline -- 1913 453 1913

Amending section 2957 Revised Codes, 1907.

of Montana of 1907, be amended so as to read as follows:

Title of the officers of a county.

Section 2957. County Officers Enumerated.—The officers of a county are:

A treasurer.
A county clerk.
A clerk of the district court.
A sheriff.
A county auditor; except in the sixth, seventh and eighth class counties.
A county attorney.
A surveyor.
A coroner.
A public administrator.
An Assessor.
A county superintendent of common schools.
A board of county commissioners.

Amending section 3116, Revised Codes, 1907.

Section 2. That Section 3116 of the Revised Codes of Montana, of 1907, be amended so as to read as follows:

Salaries of county officers.

Section 3116—Salaries of County Officers Classified. —The county officers are entitled to receive as an annual compensation or salary for services according to the following classification, to-wit:

First Class

In counties of the first class.

Treasurer, three thousand five hundred dollars.
Sheriff, four thousand five hundred dollars.
Assessor, three thousand dollars.
County clerk, three thousand five hundred dollars.
County Auditor, two thousand five hundred dollars.
Clerk of the district court, three thousand five hundred dollars.
County attorney, three thousand dollars.
County superintendent of common schools, two thousand dollars.

Second Class.

Counties of second class.

Treasurer, three thousand dollars.
Sheriff, three thousand five hundred dollars.
Assessor, two thousand five hundred dollars.
County clerk, three thousand dollars.
County auditor, two thousand dollars
Clerk of the district court, three thousand dollars.
County attorney, two thousand five hundred dollars.
County Superintendent of common schools, one thousand five hundred dollars.

HeinOnline -- 1913 454 1913

Third Class.

Counties of the third class.

Treasurer, three thousand dollars.

Sheriff, three thousand five hundred dollars.

Assessor, two thousand two hundred and fifty dollars.

Auditor, One thousand seven hundred and fifty dollars.

County clerk, two thousand seven hundred and fifty dollars.

Clerk of the district court, two thousand seven hundred and fifty dollars.

County Attorney, two thousand five hundred dollars.

County superintendent of common schools, one thousand five hundred dollars.

Fourth Class.

Counties of the fourth class.

Treasurer, two thousand five hundred dollars.

Sheriff, two thousand seven hundred and fifty dollars.

Assessor, two thousand dollars.

Auditor, one thousand seven hundred and fifty dollars.

County clerk, two thousand five hundred dollars.

Clerk of the district court, two thousand five hundred dollars.

County Attorney, two thousand dollars.

Superintendent of common schools, one thousand five hundred dollars.

Fifth Class

Counties of the fifth class.

Treasurer, two thousand five hundred dollars.

Sheriff, two thousand seven hundred and fifty dollars.

Assessor, one thousand eight hundred dollars.

Auditor, one thousand seven hundred and fifty dollars.

County clerk, two thousand dollars.

Clerk of the district court, two thousand dollars.

County attorney, two thousand dollars

Superintendent of common schools, one thousand five hundred dollars.

Sixth Class.

Counties of the sixth class.

Treasurer, two thousand dollars.

Sheriff, two thousand two hundred and fifty dollars.

Assessor, one thousand five hundred dollars.

County clerk, two thousand dollars.

Clerk of the district court, one thousand eight hundred dollars.

HeinOnline -- 1913 455 1913

County attorney, one thousand five.

Superintendent of common schools one thousand five hundred dollars.

Sixth Class.

Treasurer, two thousand dollars.

Sheriff, two thousand two hundred and fifty dollars.

Assessor, one thousand five hundred dollars..

County clerk, two thousand dollars.

Clerk of the district court, one thousand eight hundred dollars.

County attorney, one thousand five hundred dollars.

Superintendent of common schools, one thousand two hundred dollars.

Seventh Class.

Counties of the seventh class.

Treasurer, one thousand eight hundred dollars.

Sheriff, two thousand dollars.

Assessor, one thousand two hundred dollars.

County clerk, one thousand eight hundred dollars.

Clerk of the district court, one thousand two hundred dollars.

County attorney, one thousand two hundred dollars.

Superintendent of common schools, eight hundred dollars.

Eighth Class.

Treasurer, one thousand five hundred dollars

Sheriff, one thousand eight hundred dollars.

Counties of the eighth class.

Assessor, one thousand dollars.

County clerk, one thousand two hundred dollars.

Clerk of the district court, one thousand two hundred dollars.

County attorney, one thousand dollars.

Superintendent of common schools, six hundred dollars.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 17, 1913.

HeinOnline -- 1913 456 1913

CHAPTER 113.

"An Act to create and establish a standard size apple box for the State of Montana; providing for the proper labeling and numbering of all apple boxes; and providing a penalty for the violation of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Standard size apple box established.

Section 1. There is hereby created and established a standard size for apple boxes for the State of Montana. The standard size of an apple box shall be of the following dimensions, when measured without distention of its parts:—Depth of end, 10½ inches; width of end 11½ inches; length of box, 18 inches inside measurements; and representing as nearly as possible 2173½ cubic inches.

Diemnsions.

Boxes shall be plainly marked "short box," or by what figures.

Section 2. That any box in which apples shall be packed and offered for sale that contains less than the required number of cubical inches, as prescribed in Section 1 of this Act, shall be plainly marked on one side and one end with the words "Short Box," or with the words or figures showing the practical relation which the actual capacity of the box bears to the capacity prescribed by Section 1 of this Act. The marking required by this paragraph shall be in black letters of the size of not less than 72 point block Gothic.

The approximate number of apples, name of grower or packer, place of growth, variety of apples and grade to be plainly marked on box.

Section 3. That the box when packed and offered for sale shall bear upon it or upon the label, and in plain figures the approximate number of apples in the box, which shall be within five apples of the true count of the number of the style of pack used in the box; also in plain letters the name of the firm, company or organization who shall have first packed, or authorized the packing of the same. Also the name of the locality where the apples were grown; also the correct name of the variety of apples contained in the box; also the grade adopted by the grower, firm, company or organization that authorized the packing of the fruit.

Required condition and quality required.

Section 4. That the apples contained within the box when so packed and offered for sale, shall be reasonably uniform in size, and free from worms, scale or fungus disease.

Box may be marked "standard."

Section 5. That the boxes in which the apples are packed in accordance with the provisions of this Act may be marked "Standard."

Section 6. That boxes packed with apples and

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Boxes shall be deemed to be misbranded, marked "standard", when.

marked "Standard" shall be deemed to be misbranded within the meaning of this Act:

First. If the size of the box does not conform to the requirements of Section 1 of this Act;

Second. If the markings on the box do not conform to the markings required by Section 3 of this Act;

Third. If the size and condition of the apples does not conform to the requirements of Section 4 of this Act.

"Extra Fancy" grade defined.

Fourth. That the grade of apples contained in the box or boxes shall be as follows, to-wit; Extra fancy, Fancy and "C" grade. The Extra-Fancy grade shall consist of sound, smooth, well formed apples free from all insect pests, disease, blemishes and physical injury, and all apples in this grade must show natural color and be characteristic of the variety. The color of apples in this grade shall be for solid red variety at least seventy per cent of good red color; for striped variety the apples must have at least forty-five per cent of red color with yellow back ground; for red cheek or blush variety the apples must have a distinctly colored cheek or blush, and in this grade no boxes shall contain more than 200 apples.

"Fancy" grade defined.

The Fancy grade shall be composed only of apples having the same physical requirements as the Extra-Fancy, and be free from disease, blemishes, injury or defects as the Extra-fancy, but may contain apples that are slightly limb rubbed or russeted. In solid red variety the Fancy grade must have at least thirty five per cent of good natural color. Striped or partially red variety must have at least ten per cent of good red color; red cheek or blush variety must have correct physical qualities without requirements as to color and no box must contain more than 225 apples.

The "C" grade defined.

The "C" grade shall be made up all merchantable apples not included in the Extra-Fancy and Fancy grade and must be free from insect pests, worm and physical injury, such as skin puncture, and must be free from rot. The requirements as to color shall be omitted in this grade, and no box shall contain more than 225 apples.

"Culls."

All other apples offered for sale within the State of Montana and not marked as Extra-Fancy or "C" grade shall be culls, and shall be plainly stamped and marked as culls.

What apples shall be sold as "Culls," and so marked.

Section 7. All apples offered for sale in this State in any other manner than in the Standard Box provided

HeinOnline -- 1913 458 1913

for in this Act, shall be marked and sold as cull apples.

Section 8. That any person, firm, company or organization who shall knowingly pack, or cause to be packed, apples in boxes, or who shall knowingly sell or offer for sale such boxes, in violation of the provisions of this Act, shall be guilty of a misdemeanor, and subject to a fine of not less than Ten ($10.00) Dollars, nor more than Fifty ($50.00) Dollars.

Misdemeanor.

Penalty

Section 9. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 17, 1913.

CHAPTER 114.

"An Act To Compel Every Person, Persons, Corporation Or Association Conducting A Hospital That Is, Or Hospitals That Are, Exempt From Taxation To Admit And Care For Patients Of Any Regularly Licensed Physician In The State of Montana Upon The Same Terms And Conditions As Patients Of Any Other Regularly Licensed Physician, And Prescribing The Penalty For The Violation Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, persons, corporation or association conducting a hospital or hospitals not held for private or corporate profit or a hospital or hospitals that are institutions of purely public charity, that exempt themselves or are exempted from any State, County or Municipal tax by reason thereof, shall not in any manner discriminate between the patients of any regularly licensed physician by reason of the fact that said physician is not a member of the Medical Staff of said Hospital, or for any other reason, and such hospitals are hereby compelled to admit and care for the patients of any regularly licensed physician or physicians under the same terms and conditions as may be promulgated by the management of said hospital as the patients of any other regularly licensed physician.

All hospitals, exempt from taxation in this state, shall receive without discrimination patients of all regularly licensed physicians.

Section 2. Every person, persons, corporation or association who with the intent to injure any patient or to injure the practice of any physician or surgeon is found guilty of violating any of the provisions of this act shall be guilty of a misdemeanor and shall

Violations of this act with intent to injure any patient or the practice of any physician or surgeon, a misdemeanor.

HeinOnline -- 1913 459 1913

Penalty.

be punished by a fine of not less than Five Hundred Dollars and not exceeding One Thousand Dollars, and shall forthwith forfeit its right of exemption from taxation.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect from and after its passage and approval.

Approved March 17, 1913.

CHAPTER 115.

"An Act imposing further duties upon the Board of Railroad Commissioners in respect to the inspection of railroads and their equipment and operation, with a view to safe-guarding the lives of person engaged in the operation of trains."

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of the railroad commissioners to inquire into the observance of state and federal laws by railroads and make complaint when.

Section 1. It is hereby made the duty of the Board of Railroad Commissioners to make inquiry into the observance by all railroads within this state of the laws of the United States and of the State of Montana intended to safeguard the lives of the employes of persons or corporations engaged in operating the same and to lay complaint before the proper officer, state or federal, of any infraction of any of such laws and to prosecute before the proper court or tribunal any person guilty of violation of the penal provisions thereof.

Annual report of board shall set out its activities regarding Section 2 herein, and its steps taken therein.

Section 2. Said Board shall, in its annual report, set out what effort it has made to carry out the provisions of this act with the results thereof, and in detail what steps it has taken to procure to be prosecuted any violations of any such acts of which it has secured information.

Section 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1913.

HeinOnline -- 1913 460 1913

CHAPTER 116.

"An Act to amend Section 2761 of the Revised Codes of Montana of 1907, relating to the issuance of retail liquor dealers licenses."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sect 2761 Revised Codes, 1907.

Section 1. That Section 2761 of the Revised Codes of Montana of 1907, be, and the same is, hereby amended so as to read as follows:

"Section 2761. Nothing herein contained shall be construed so as to require the Board of County Commissioners to issue any such order for a license as a matter of right, but such license may be ordered issued entirely within the discretion of said Board of County Commissioners, Provided that no license shall be issued to any person not a citizen of the United States of America, nor to any company, or corporation not authorized to do business under the laws of Montana."

Act not to be construed to compel county commissioners, as matter of right, to issue license.

To whom license shall not issue.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1913.

CHAPTER 117.

"An Act for the submission to the qualified electors of the State of Montana of fixing the Rate of Taxation for a period of ten (10) years on Real and Personal property to raise Revenue for the support of the State Educational Institutions."

Be it enacted by the Legislative Assembly of the State of Montana:

Fixing the rate of taxation by the state at 3½ mills for 10 years, when law passes by vote of the people.

Section 1. That for a period of ten (10) years from and after the passage of this Act, by a vote of the people, the rate of taxation on real and personal property shall not exceed 3½ mills on each dollar valuation; except that if at any time during this ten (10) year period, the taxable property of the State shall amount to Six Hundred Million ($600,000.000) Dollars, the rate shall never exceed three mills on each dollar of valuation. Provided, however, that the proceeds from one mill of any levy made during this period, for state purposes shall be used exclusively for the support of the University of Montana, the Agricultural

Proviso.

One mill of fund to be used for support of state educational institutions.

HeinOnline -- 1913 461 1913

Amount which may be used for industrial and agricultural courses.

College of Montana, the School of Mines and the State Normal College, except that not more than ten per cent (10%) of the proceeds from one mill of any levy made for State purposes may be used for the support of industrial and agricultural courses given in any High School of the State and that five per cent (5%) of the proceeds from one mill of any levy for state purposes, shall be used for the support of the elementary schools of the State, in school districts where the regular tax levy does not produce sufficient revenue to permit the holding of more than six months school in each year.

For elementary schools in certain districts.

One mill of proceeds to be kept in what fund.

Section 2. The State Treasurer shall keep in a separate fund the proceeds from one mill of any levy made for State purposes which fund shall be used for educational purposes, as provided in this Act.

Question to be submitted to vote of the people, when.

Section 3. The question of the adoption of the increased rate of taxation as provided for in this Act shall be submitted to the qualified electors of the State of Montana at the next general election.

Ballots to be used.

Section 4. Separate official ballots shall be used at the general election to be held in November, 1914, which shall have printed thereon the words;

Form of special ballot.

"For the adoption of a temporary increase of one mill in the rate of taxation for state purposes, for the support of our educational institutions."

And the words:

"Against the adoption of a temporary increase of one mill in the rate of taxation for state purposes for the support of our educational institutions."

How elector to mark his ballot.

The elector shall designate his preference for either of the propositions by marking an X before the proposition desired.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 17, 1913.

HeinOnline -- 1913 462 1913

CHAPTER 118.

"An Act to Amend Section 2246 of the Revised Codes of Montana of 1907, relating to the Salary of the State Engineer, and Providing for reimbursement of the General Fund out of the Carey Fund for his salary for the time spent on Carey Land Work"

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sect 2246 Revised Codes, 1907.

Section 1. That Section 2246, Revised Codes of Montana of 1907, be, and the same is, hereby amended to read as follows:

Salary of state engineer.

Section 2246. The State Engineer shall receive a salary of Three Thousand ($3000.00) Dollars per annum, payable monthly. He shall report to the Carey Land Act Board, at the end of each fiscal year, the time he has spent in connection with Carey Land Work, and the said Board shall reimburse the General Fund out of any money available in the Carey Fund for the salary of the State Engineer for such time as he has spent on Carey Land Work.

Annual report to Carey Land Act board

Duty of board.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1913.

CHAPTER 119.

"An Act to establish a state grain laboratory at the Montana Agricultural experiment station; and to define the aim and scope of the work to be proposed; and providing for the administration and to make appropriations for the establishment and maintenance thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Montana grain labratory established at agricultural experimental station.

Section 1.—Establishment, Name—There is hereby established at the Montana Agricultural Experiment Station, a state grain laboratory for the study of the milling and baking quality of wheat raised in Montana, and for the study of the germinating capacity, quality and purity of field crop seeds grown and sold in the State of Montana, as far as this may be determined. This laboratory shall be known as the Montana Grain Laboratory.

Section 2.—Purpose,—The purpose of this labora-

HeinOnline -- 1913 463 1913

Purposes of the labratory.

tory shall be to make the studies necessary to establish the grade and quality of the wheat and other grains grown in the state by scientific and accurate tests. To the end that such facts established by scientific experiments, publicly disseminated, may aid the grain growers and dealers in the state to establish the full market value of their products in the markets of the world.

Samples of different kinds of wheat grown to be collected and systematic study to be made of same.

Samples of the different kinds of wheat grown under the various conditions existing in the state of Montana, shall be collected and systematic study shall be made of each of these to determine their milling and baking value. Tests of samples which may be sent to the laboratory by growers and dealers in the state of Montana, provided postage and transportation charges are prepaid and the method of taking the samples conforms to the regulations prescribed by the Director in charge of the laboratory.

Tests of samples sent to labratory.

Proviso.

Records to be kept and results to be reported to whom.

The Director in charge of the laboratory shall keep an accurate record of all samples submitted, and report the results of all the milling and baking tests which are made in the laboratory to the parties submitting the samples, as soon as possible after such tests have been completed. The results from all the tests made at the laboratory must be reported in the form of bulletins or pamphlets, whenever the data accumulated shall be sufficient, for such publication.

Bulletins and pamphlets of reports of tests for publication.

Who may send samples of seeds for tests, and how.

Section 3.—Any citizen of the state of Montana by conforming to the regulations prescribed by the State Grain Laboratory of the Montana Agricultural Experiment Station and by prepaying postage or transportation charges, may send a sample or samples of seed to the State Grain Laboratory of the Montana Agricultural Experiment Station, which shall determine the percentage of germination, quality purity of each sample sent. The results of these determinations shall be reported upon free of charge to the person sending such samples. Such of these tests as are of value to the public shall be reported in bulletin or pamphlet form, at least once a year.

Duty of labratory authorities.

Labratory to be under control and supervision of whom.

Section 4.—Administration—This laboratory shall be under the general supervision of the Director of the Montana Agricultural Experiment Station. It shall be directly in charge of the Agronomist of the Montana Agricultural Experiment Station, who shall be known

HeinOnline -- 1913 464 1913

as the director in charge of the laboratory, in co-operation with the Board of Directors of the Montana Seed Growers' Association shall make such rules and regulations as are necessary to the proper conduct of the laboratory, under the purposes as outlined in Section 2.

The agronomists to be in direct charge.

Rules and regulations.

Section 5.—The director in charge of the laboratory, under the direciton of the Director of the Montana Agricultural Experiment Station, shall have authority to employ a competent assistant and such help as is needed to properly carry on the laboratory. They shall have authority to incur expenditures for travel, express, freight, postage, etc., necessary to collect samples for study, and to properly carry on the work of the laboratory.

Assistant and necessary help may be employed.

Expenses may be incurred.

Section 6.—Foundation, Maintenance,—There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated the sum of two thousand ($2,000) for the equipment of a state Grain Laboratory; and for the maintenance of such a laboratory, there is hereby appropriated, the sum of two thousand ($2,000) Dollars for the year ending March 1st, 1914, and two thousand ($2,000) Dollars for the year ending March 1st, 1915.

Appropriations.

Section 7.—Samples of wheat sent in by individuals, when the results from the testing of which no general or market value, shall be charged a fee sufficient to cover the cost of making the test. Fees, so collected, are to be deposited in a fund in charge of the director of the Experiment Station, to be used in support of the laboratory. Any surplus remaining in this fund at the close of the state's biennium, shall be turned over to the State Treasurer and shall revert to the state general fund.

When fee shall be charged senders of samples.

Money collected as fees to be deposited when.

Surplus money.

Section 8.—All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9.—This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 18. 1913.

HeinOnline -- 1913 465 1913

CHAPTER 120.

"An Act to Create the State Board of Entomology. To define its powers and duties and appropriate money therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Montana state board of entomology established.

Sec. 1. There is hereby created the Montana State Board of Entomology, which shall be composed of the State Entomologist the Secretary of the State Board of Health and the State Veterinarian.

To be composed of whom.

Chairman and secretary.

Sec. 2. The Secretary of the State Board of Health shall be Chairman of said Board and the State Entomologist shall be Secretary.

No additional compensation to be paid members.

Sec. 3. None of the members of said board shall receive any compensation other than that already allowed by law except that the actual expenses of members while engaged in the duties incident to the work of said board shall be paid out of the appropriation made to carry on the work of said board.

Expenses to be paid out of what fund.

Duties of board.

Sec. 4. It shall be the duty of said board to investigate and study the dissemination by insects of diseases among persons and animals, said investigation having for its purpose the eradication and prevention of such diseases.

Board shall take steps to eradicate diseases which may be transmitted by insects.

Sec. 5. Said board shall take steps to eradicate and prevent the spread of Rocky Mountain tick fever. Infantile Paralysis and all other infections or communicable diseases that may be transmitted or carried by insects.

Power to make rules and regulations, including quarantine.

Sec. 6. Said board shall have authority to make and prescribe rules and regulations including the right of quarantine over persons and animals in any district of infection and shall have the right to designate and prescribe the treatment for domestic animals to prevent the spread of such diseases; but said board shall not have the right to prescribe or regulate the treatment given to any person suffering from any infections or communicable disease.

Extent of right to prescribe treatment, of what.

Rules and regulations to be approved by whom.

Sec. 7. All rules and regulations of the State Board of Entomology shall be subject to approval by the State Board of Heath.

Publication of rules and regulations.

Sec. 8. The board shall publish in printed form all rules and regulations which shall be adopted by said board for the eradication and control of diseases of any kind and such rules and regulations shall be cir-

HeinOnline -- 1913 466 1913

culated among the residents of every district affected thereby.

Sec. 9. Any person who shall violate any of the rules or regulations of the State Board of Entomology shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not in excess of one hundred ($100.00) dollars, or by imprisonment in the County Jail for any period not exceeding thirty (30) days or by both such fine and imprisonment.

A misdemeanor to violate any of such rules or regulations.

Penalty.

Sec. 10. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of five thousand ($5,000.00) dollars, or so much thereof as may be necessary to carry on the work of the State Board of Entomology for the year 1913, and the sum of five thousand ($5,000.00) dollars or so much thereof as may be necessary to carry on the work of said board for the year 1914. Said money to be expended under the direction and approval of the State Board of Examiners.

Appropriations.

Sec. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Sec. 12. This Act shall take effect from and after its passage and approval.

Approved March 18, 1913.

CHAPTER 121.

"An Act to amend Sections 786, 2196 and 2197 of the Revised Codes of the State of Montana of 1907, as amended by Chapter 76 of the Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the investment of the funds of the State Normal School, permanent University fund, permanent Agriculture College funds and permanent School funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 786 of the Revised Codes of the State of Montana of 1907 be and the same is hereby amended so as to read as follows: "Section 786. The State Board of Land Commissioners is hereby authorized and required to invest and keep invested all moneys belonging to the Permanent Normal School Fund, in any State, County, City, School District or "bonds of irrigation districts organized

Amending Sec. 786 Revised Codes, 1907.

State board of land commissioners empowered to invest permanent normal school fund in what securities.

HeinOnline -- 1913 467 1913

Mortgages on farm loans.

under the laws of this state," and in any State Capitol Building bonds now issued or which may be hereafter issued, and in first mortgages on farm land in this State, as provided in Section 2196 as herein amended, which in its judgment is a safe investment. The Board may make its bids for any State Securities in the same manner as private persons, and under no restrictions other than those imposed upon private persons seeking investments herein."

May make bids for state securities how.

Amending Section 2196 of Revised Codes, 1907.

Section 2. That Section 2196 of the Revised Codes of the State of Montana of 1907 be and the same is hereby amended so as to read as follows: "Section 2196. All moneys belonging to the Permanent School and Permanent University Fund must be invested: First. In bonds of the State of Montana or of the United States.

Money of permanent school or permanent university funds to be invested in what.

Second. In interest bearing warrants upon the general fund of the State.

Third. In such bonds of the several Counties and Cities of the State as the Board deems most safe and secure.

Fourth. In bonds of School districts within the State of Montana, provided, that before any such moneys are so invested, the Board must be satisfied that the outstanding indebtedness of such district, does not exceed three per cent upon valuation of the property within it.

Fifth. In any State Capitol Building Bonds of the State of Montana, now issued, or which may be hereafter issued.

Sixth. Bonds of any Irrigation District organized under the laws of the State of Montana.

Seventh. In first mortgages on farm lands in the State, not exceeding in amount one-third (1-3) of the actual value of any subdivision on which the same may be loaned, such value to be determined by the State Board of Land Commissioners, who may appoint appraisers for said purpose, as in case of appraisements of State Lands. The said first mortgages on farm lands, and each of them shall run for a period of not exceeding ten (10) years and the funds so invested shall draw interest at the rate of six per cent (6%) per annum, said interest together with ten per centum of the whole amount of the principal shall be paid in annual installments, and the interest when

Mortgages on farm lands to run for how long.

Interest to be paid.

How interest and principal to be paid.

HeinOnline -- 1913 468 1913

paid shall be converted into and become a part of the funds of such institution.

Mortgage farm loans to be made on what quality of lands, only.

Such first mortgage loans shall only be made upon cultivated lands within the State, the title to which has been adjudicated as in the owner of said lands, and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten ($10.00) dollars an acre.

Must run for a greater period than five years.

Any and all of said mortgages which run for a greater period than five (5) years may be satisfied at any time after five years from date thereof, upon the payment of the full amount due.

May be satisfied when and how.

The applicant for the loan upon any farm land shall furnish a complete and satisfactory abstract, at his own expense of the title of the land, and before any loan is made the Attorney General of Montana shall examine said title, and if he shall find title resting in said applicant, he shall certify the same to the State Board of Land Commissioners.

What to be furnished with application.

Duty of Attorney General.

The cost of appraising such loan shall be estimated by the Board and the amount of said estimate paid by the applicant to the State Board in advance of and before any appraisement of such land shall be made."

Cost of appraisement.

Section 3. That Section 2197 of the Revised Codes of the State of Montana of 1907 be and the same is amended so as to read as follows:

Amending Section 2197 Revised Codes, 1907.

"Section 2197. That the State Board of Land Commissioners is hereby authorized and required to invest and keep invested all moneys belonging to the Permanent School Fund, and Permanent Agricultural College Fund in any State, County, City, School District or Irrigation District securities in this State, or in any State Capitol Building Bonds now issued or which may be hereafter issued and in such first mortgages on farm lands in the State, as provided in, and in the manner set forth in subsection 7, of Section 2196 herein, which in the judgment of the Board are safe investments.

Duty of state board of land commissioners regarding keeping funds invested.

The Board may make its bids for any of said securities in the same manner as private persons and under no restriction other than those imposed upon private persons seeking investment herein.

How board can make its bids for securities.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1913.

HeinOnline -- 1913 469 1913

CHAPTER 122.

"An Act to amend Section 7641 of the Revised Codes of Montana of 1907, Relating to Accounts of Executors or Administrators or their Personal Representatives in case of death."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 7641 Revised Codes, 1907.

Section 1. That Section 7641 of the Revised Codes of the State of Montana of 1907 be, and the same is hereby amended to read as follows:—

Accounting of an executor or administrator at instance of his successor.

Section 7641: When the authority of an executor or administrator ceases, or is revoked for any reason, he may be cited to account before the court or judge at the instance of the person succeeding to the administration of the same estate, in like manner as he might have been cited by any person interested in the estate during the time he was executor or administrator. And if an executor or administrator dies, his accounts may be presented by his personal representatives to, settled by the court in which the estate of which he was executor or administrator is being administered, and upon the petition of the successor of such deceased executor or administrator, such court may compel the personal representatives of such deceased administrator or executor to render an account of the administration of their testator or intestate and must settle such account as in other cases.

Accounts of deceased administrator or executor may be presented by whom.

Court may compel such an accounting.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1913.

CHAPTER 123.

"An Act to amend Sections 1872 of the Revised Codes of Montana of 1907, relating to dipping sheep temporarily in this State."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Section 1872 Revised Codes, 1907.

Section 1. Section 1872 of the Revised Codes of 1907 is hereby amended to read as follows: Section 1872, Any sheep that are shipped or driven into this State, with the intention on the part of the owner of holding them within the State longer than is necessary to feed them in transit, which feeding must be

Quarantining and dipping sheep shipped into state to remain.

HeinOnline -- 1913 470 1913

done in the railroad stock yards, corrals, or buildings, must be at once quarantined and dipped under the supervision of the State Veterinary Surgeon or Inspector, at the point of entry or unloading, or as near such point as may be deemed safe by the State Veterinary Surgeon or Inspector in charge, without danger of scattering infection, and when so dipped shall be branded with a red letter "S" on the right side. After said sheep are so dipped and branded, they may be moved to the ranch or range where it is the intention of the owner to keep them, providing they can be moved to such ranch or range within ten days, when they must be dipped a second time; Provided, that any sheep that are shipped into the State of Montana over any railroad with the intention on the part of the owner of holding them within the State longer than is necessary to feed them in transit (which feeding must be done as hereinbefore provided) may be accompanied by a certificate of a federal veterinarian, setting forth that such sheep are clean, are free from scab or other contagious or infectious diseases; that they come from a locality which is free from scab or other contagious or infectious diseases, and that the cars in which they were shipped were properly disinfected and were free from infection by any of such diseases. Sheep accompanid by a certificate of such federal veterinarian shall be inspected at the first unloading point in this State under the direction of the State Veterinary Surgeon, and when accompanied by such certificate and so inspected and found free from scab or other infectious or contagious disease, such animal need not be dipped as hereinbefore provided, but shall be branded with a red letter "S" on the right side, and then be trailed from their final unloading point under the direction of the State Veterinary Surgeon to their range, which range shall be owned or occupied previously by the owner of said sheep, and thereupon quarantined for a period of not less than ninety days, and as much longer as is necessary at the discretion of the State Veterinary Surgeon. Provided: That sheep so shipped into the State shall not be trailed through the State for any distance exceeding fifty miles from the point of unloading at which such trailing begins, without being quarantined and dipped as herein first provided. And provided further: that sheep that have

At what place.

Shall be branded when and how.

May be removed to the range when.

Second dipping.

Provided, that sheep shipped in must be accompanied by certificate of whom, and to what effect.

Shall be first inspected where.

Need not be dipped when accompanied by required certificate, but must be branded.

Removal to range and quarantining for 90 days.

To be dipped and quarantined if range is more than 50 miles from places of unloading.

Sheep which have been unloaded outside of state in transit.

HeinOnline -- 1913 471 1913

Sheep driven into this state.

been unloaded in transit outside of the State of Montana, shall not be deemed clean or free from scab or other infectious or contagious disease, and shall be quarantined and dipped as herein first provided. And provided further: that sheep driven into this State, (which sheep shall be animals that are habitually grazed in this State, or an adjoining State, and not otherwise) may be accompanied by the certificate of a Federal Veterinarian, as above provided, shall be inspected at the State Line under the direction of the State Veterinary Surgeon of Montana; and before driving such sheep in this State, the owner or person in charge shall procure from the State Veterinary Surgeon a permit to drive said sheep over a certain route to their destination; which destination shall not exceed Seventy-five miles from the State Line. If said sheep are accompanied by such certificate, and, upon inspection, are found to be free from scab or other contagious or infectious disease, they need not be dipped, but shall be branded with a red letter "S" on the right side, and shall then be trailed from the State Line, under the direction of the State Veterinary Surgeon to their Range, which range shall be owned or previously occupied by the owner of said sheep, and shall be quarantined on such range for a period of not less than ninety days and as much longer as is necessary, in the judgment of the State Veterinary Surgeon; otherwise, and in either instance, they shall be quarantined and dipped as herein first provided. And provided further that the State Veterinary Surgeon may, if in his judgment the circumstances of any particular case, warrant such action on his part, order any sheep shipped or driven into the State to be quarantined and dipped as herein first provided, if, before making such order he shall receive from the Executive Board of the State Board of Sheep Commissioners, its approval in writing for such action on his part. Provided further; that all rams entering the State of Montana from other States, must be dipped twice at an interval of not exceeding ten days, according to the rules as laid down by the Montana Sheep Commission, at or as near the point of entry as is practical; and after the second dipping, such rams may or may not be quarantined, in the discretion of the State Veterinary Surgeon.

Inspection at state line, and permit of state veterinarian. Need not be dipped when.

To be trailed to their range under the directions of whom.

Shall be quarantined how long on range.

State veterinary may require any sheep shipped or driven into state dipped and quarantined when.

All rams imported into state shall be dipped twice at intervals not exceeding 10 days.

At what place.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict

HeinOnline -- 1913 472 1913

with this Act are hereby repealed.

Section 3. This Act shall be in force from and after its passage and approval.

Approved March 18, 1913.

CHAPTER 124.

An Act to authorize any board of county commissioners to levy a tax of one mill or less on each dollar of taxable property for the purpose of establishing and maintaining a county fair.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax which may be levied to secure, equip and maintain county fairs.

Section 1. The Board of County Commissioners in any county in Montana shall have the power to levy an advalorem tax of one mill or less, on each dollar of taxable property in such county for the purpose of securing, equipping and maintaining a county fair, including the purchase of land for such purpose.

Money so collected to be kept in a seperate fund.

Section 2. The funds derived from such tax shall be kept in a separate fund by the County Treasurer, and shall be paid out in the regular way for the purposes specified in Section 1 of this act.

Repealing clause.

Section 3. All acts and parts of acts in conflict with this act is hereby repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval

Approved March 18, 1913.

CHAPTER 125.

"An Act regulating traction engines or machinery propelled or operated by gas, oil or any product of oil; prescribing the method of estimating the power or capacity thereof; requiring the same to be marked or labeled; forbidding false representation as to the capacity of power; requiring inspection by boiler inspector when requested, fixing the fees thereof; and prescribing penalties."

Be it enacted by the Legislative Assembly of the State of Montana:

Capacity of gas or oil traction engines must be computed by the draw bar horse power.

Section 1. The capacity or initial power of all traction engines or machinery propelled or operated by gas, oil or any product of oil, when sold or offered for sale within this state, must be computed and determined by the draw bar horse power; that is, the initial pulling power of such engines or machinery, and not other-

HeinOnline -- 1913 473 1913

Power to be engraved with the letters "H. P." where.

wise; and such power or capacity shall be plainly engraved in figures with the letters H. P. on a metalic templet or plate which templet or plate shall, before such engine or machine is sold or offered for sale be securely fastened thereto, in such manner and place and of sufficient size as to be easily seen and read. And all new engines or machinery named herein must be engraved or branded with the shop number, which shall be in some place easily observed.

Requirements of templet plate.

Shop number required engraved or stamped on new engines or machinery.

Owner may call state boiler inspector to inspect, etc.

Section 2. Any owner or lessee of any of the engines or machinery named in Section 1 of this Act, shall have the right to call upon the State Boiler Inspector to inspect and determine the power and capacity of such engine or machinery, and it is the duty of the inspector to make such inspection when so requested. The fee for such inspection shall be Five Dollars when such engine or machinery is located within any incorporated city or town and Ten Dollars when not located within any incorporated city or town, which fees shall be demanded and paid in advance, provided that the inspector may select and determine the time of such inspection. When such inspection is completed the inspector shall deliver to the party a certificate, showing the date of inspection, the description of the engine or machinery inspected, which may be by shop number and make, and the draw bar horse power thereof, provided that the provisions of this Act shall not apply to automobiles nor to railroad locomotives.

Duty of inspector. Inspection fees.

To be paid in advance.

Inspection certificate.

Sale or offering for sale any engines or machinery without compliance with Section one herein, or misrepresenting the initial horse power thereof, a misdemeanor.

Section 3. Any person, firm or corporation or copartnership or agent who shall sell or offer for sale or shall authorize or induce any other person to sell or offer for sale any of the engines or marchinery named in Section 1 of this Act, without having the same marked or labeled as provided in Section 1 of this Act, or who shall misrepresent the capacity or initial horse power or draw bar horse power of such engines or machinery shall be guilty of a misdemeanor and on conviction thereof, shall be fined not less than Five Dollars, nor more than Five Hundred Dollars, or imprisoned in the County Jail not more than six months or by both such fine and imprisonment.

Penalty.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect and be in full

HeinOnline -- 1913 474 1913

force and effect from and after its passage and approval. Repealing clause.

Approved March 18, 1913.

CHAPTER 126.

"An Act defining the word "sale" as used in the Statutes of the State of Montana, with relation to the sale of Game and Fish, the sale of which is prohibited by law."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the word "sale" as used in the Statute Laws of this State touching the sale of Game and Fish, the sale of which is prohibited by law, does and shall be considered to mean: The word "Sale" as used regarding sale of game and fish, defined.

1. A contract by which for a pecuniary consideration, called a price, one transfers an interest in either Game or Fish.

2. A contract, by which for an article or thing of value, one transfers, barters or exchanges an interest either in Game or Fish.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 18, 1913.

CHAPTER 127.

"An Act to amend Chapter 146 of the Laws of the Eleventh Legislative Assembly of the State of Montana, passed and approved March 18th, 1909, entitled 'An Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition—either by construction, purchase or otherwise and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expenses of such districts; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to

HeinOnline -- 1913 475 1913

repeal, with certain reservations, the provisions of sections 2309 to 2402 both inclusive of Title X, Part III, of the Revised Codes of Montana of 1907,' by amending section 38 thereof, relating to 'Limitations on Debt Incurring Power' and by inserting in said Chapter 146, sections to be numbered 56A, 56B, 56C, 56D, 56E and 56F, relating to and providing for the sales of lands for unpaid taxes and assessments, and providing for the issuance of certificates for delinquent taxes and assessments, when the lands sold are struck off to any County of this State, and for the redemption of such certificates."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sec. 38 of Chapter 146, Laws of 1909.

Section 1. That Section 38 of Chapter 146 of the Laws of Montana of 1909, be and the same is hereby amended so as to read as follows:

No indebtedness shall be incurred except as provided in act.

Section 38. Limitations on Debt incurring power. The Board of Commissioners, or other officers of the District, shall have no power to incur any debt or liability whatever, either by issuing bonds, or otherwise, except as provided in this Act; and any debt or liability incurred in excess of such express provisions shall be, and remain absolutely void except that for the purpose of organization, or for any of the immediate purposes of this Act, or to make or purchase surveys, plans and specifications, or for stream gauging and gathering data, or to make any repairs occasioned by any calamity or other unforeseen contingency, the Board of Commissioners may, in any one year, incur the indebtedness of as many dollars as there are acres in the District and may cause warrants of the district to issue therefor, bearing interest at the rate not to exceed six per centum per annum.

Debt shall be void when, except for what purposes.

Debt which may be incurred in any one year, and warrants issued therefor.

Amending Section 56 of Chapter 146, laws of 1909.

Section 2. That Section 56 of Chapter 146 of the Session Laws of 1909 be and the same is hereby amended so as to read as follows:

Manner of sale for delinquent taxes or assessments.

Section 56. Delinquent Sale. Delinquent sales of land for unpaid taxes or assessments shall be made in the same manner as for state and county taxes in the respective counties where such lands are situated, and the right of redemption shall in all cases be made the same as in cases where lands are sold for state or county taxes.

Redemption, how made.

Section 56A. That whenever, pursuant to the provisions of section 56 of this Act, any lot, tract, piece

HeinOnline -- 1913 476 1913

Duty of county treasurer when land in the district is sold for taxes, part of which taxes are district taxes or assessments.

or parcel of land included within and forming a part of any irrigation district, created under the provisions, of this Chapter, or included within any extension of such district, shall be sold by the Treasurer of the County wherein such land is situated, in the manner provided by law for the sale of lands for delinquent taxes for state and county purposes, and taxes or assessments of such irrigation district, form all or a part of the taxes for which such lands are sold, it shall be the duty of the County Treasurer making such sale or sales, to place to the credit of the proper funds of such irrigation district out of the proceeds of such sale or sales, the total tax or assessment of such irrigation District, inclusive of the interest and penalty thereon as provided for by the general laws relating to delinquent taxes for State and County purposes, and whenever any such lands are struck off at such sale, to the county wherein the same are situate, pursuant to the provisions of section 2638 of the Revised Codes of the State of Montana, the County Treasurer of such County, must upon the issuance of the certificate of tax sale to said county, issue to said Irrigation District, and in its corporate name, a debenture certificate, for the amount of taxes and assessments due to said Irrigation District from said lands and premises so sold, inclusive of the interest and penalty thereon, which certificate shall be evidence of and conclusive of the interest and claim of said irrigation district, in, to, against and upon the lands and premises so struck off to said county, at such tax sale, and that from and after the issuance of said certificate, the sum named therein, and the taxes and assessments of said district evidenced thereby, shall bear interest at the rate of one (1%) per centum per month from the date of said certificate until redeemed in the manner provided for by law for the redemption of the lands sold for delinquent State and County taxes, or until paid, from the proceeds of the sale of the lands and premises described therein, in manner provided for by section 2682 of the Revised Codes of the State of Montana, and duplicates of such certificates so issued to said Irrigation District, shall be filed in the office of the County Clerk and County Treasurer of said County with the certificate of tax sale of said lands and premises.

To set aside in proper district fund, from the proceeds of such sale, the total tax or assessment of such irrigating district, and interest thereon.

When the land is struck off to the county the treasurer shall, upon the issuing to the county a certificate of tax sale, issue to the irrigating district a debenture certificate

Certificate to be conclusive of what.

Sum named therein to bear interest at rate of one per cent per month.

Duplicate of debenture certificate shall be filed when.

HeinOnline -- 1913 477 1913

Debenture certificates shall be assignable.

Section 56B. That the certificates provided for by the preceding sections hereof, shall be assignable, and may be sold or negotiated by the Board of Commissioners of said Irrigation District and the proceeds thereof delivered to and deposited with the County Treasurer of said County for proper credit to the respective funds of said Irrigation District and upon the sale, negotiation or transfer thereof as above provided for, the lien of said Irrigation District shall vest in the purchaser thereof and is only divested by the payment to the purchaser or the County Treasurer of said County for his use of the sum for which said certificate is issued, and one per cent additional for each month that elapses from the date of such certificate until redeemed as hereinafter provided for.

Proceeds of sale of debenture certificates to be deposited to credit of what fund.

Lien to vest where and may be divested how and when.

Upon the redemption of lands sold for taxes county treasurer shall pay out of the redemption money to the holder of debenture certificate what sum.

Section 56C. That upon the redemtion of any lands so sold for taxes in the manner provided for by section 2645 of the Revised Codes of the State of Montana, the County Treasurer of said County, out of the redemption money, shall pay to the holder or holders of such certificate or certificates, the sums for which the same were issued, with interest as therein provided to the date of the redemption of said lands.

When lands in the district sold for taxes are not redeemed, it shall be the duty of the county commissioners to cause said lands to be sold, how.

Section 56D. That when the lands and premises so sold for taxes and upon and against which the certificates herein provided for have been issued for the taxes and assessments of such irrigation District are not redeemed within the time provided for by section 2645 of the Revised Codes of the State of Montana, it shall be the duty of the Board of County Commissioners of said County, within three (3) months thereafter, to cause said lands and premises to be sold as provided for by section 2682 of the Revised Codes of the State of Montana as amended March 8th 1909, and out of the proceeds of the sale thereof, the County Treasurer of said County shall pay to the holder or holders of such certificates, the sum or sums for which the same were issued with interest as therein provided for to the date of said sale of said lands by the Board of County Commissioners, and no lands and premises so held by any county and against which the certificates provided for by this Act have been issued, shall upon such sale be struck off or sold for a less sum than the amount of taxes and assessments of said irrigation District represented by said certificates, in-

Pay to holder of such certificate what sum out of proceeds of sale.

Lands not to be sold for a less sum than, what sum.

HeinOnline -- 1913 478 1913

clusive of the interest thereon in addition to the State and County taxes, if any, against the same.

In case property assessed for irrigation district purposes is struck off to the county, etc., and not redeemed before other district taxes become delinquent thereon.

Section 56E. In case the property so assessed for irrigation district purposes is struck off to the County as provided for by law, and certificates of the taxes and assessments of said irrigation District issued thereon as hereinbefore provided for, and the said lands and premises be not redeemed before the next annual assessment for irrigation purposes shall become delinquent thereon, then and in that event, whether said lands and premises be again sold by the County Treasurer of said County or the sale thereof adjourned as provided for by section 2678-79 of the Revised Codes of the State of Montana, like certificates for each year's irrigation District taxes and assessments shall be issued against said land and shall be included in and satisfied by any redemption thereof with interest as hereinbefore provided for and shall in like manner be paid from the proceeds of sale of said lands by the Board of County Commissioners, if the same be not redeemed as provided for by law.

Like debenture certificates to be issued.

Duty of county treasurer where lands within such districts have been purchased by the county at delinquent tax sales heretofore.

Section 56F. That in all cases where lands and premises included within and forming a part of any irrigation District, formed under this Chapter, shall have heretofore been sold for delinquent taxes in the manner provided for by law and the same have been struck off to the County in which said lands are located, the Treasurer of said County shall within thirty (30) days after the passage and approval of this Act, issue to said irrigation District, like certificates for taxes and assessments of said irrigation District, included within and forming a part of the total tax for which said lands and premises were so struck off and sold to such County and for all taxes and assessments of said irrigation District, levied and assessed against said lands and premises, subsequent to the first sale thereof, which then remain delinquent, and file like duplicates thereof, in manner and form as hereinbefore provided for, and all of the preceding provisions of this Act shall apply with like force and effect to such certificates.

Repealing clause.

Section 3. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1913.

HeinOnline -- 1913 479 1913

CHAPTER 128.

"An Act to Amend Section 32 of Chapter 57 of the Twelfth Legislative Assembly of the State of Montana, Being an Act providing for a Commission Form of Government for cities, Providing for the Election of officers therein, Defining their duties and powers and providing for their Compensation."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Sec. 32 of Chapter 57, laws of 1911.

Section 1. That Section 32 of Chapter 57 of the Twelfth Legislative Assembly, be, and the same is hereby amended to read as follows:

When city may abandon provisions act.

Section 32. Any city which shall have operated for more than one year under the provisions of this Act, may abandon such organization hereunder and accept the provisions of the general law of the state then applicable to cities of its population.

Petition and general city election upon question of abandonment organization under act.

Upon the petition of not less than 25% of the electors of such city registered for the last preceding general election, a special election shall be called, at which the following proposition only shall be submitted:

"Shall the city of (name the city) abandon its organization under Chapter 57 of the Acts of the Twelfth Legislative Assembly and become a city under the general law governing cities of like population; or if formerly organized under special Charter shall resume said special charter?"

If proposition carries, who to be elected officers, and when.

If the majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribd by the general law of the state for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the state, but such change shall not in any manner or degree effect the property, rights or liabilities of any nature of such city but shall merely extend to each change in its form of government.

When city will become city under general law.

Sufficiency of proceedings and election determined by what law.

The sufficiency of such petition shall be determined, the election ordered and conducted and the results declared, generally as provided for by Section 29 of this Act, insofar as the provisions thereof are applicable; or if now organized under special charter, may resume said special charter. Whenever the form of government of any city is determined by a vote of the people under the provision of this section, the same question

No other election can be held on question for two years.

HeinOnline -- 1913 480 1913

shall not be submitted again for a period of two years, and any ordinance adopted by a vote of the people shall not be repealed or the same question submitted for a period of two years.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1913.

CHAPTER 129.

"An Act to legalize proceedings of the Board of County Commissioners of any County and elections held and bonds hereafter issued pursuant thereto for the construction of highways and bridges."

Be it enacted by the Legislative Assembly of the State of Montana:

Question of proceedings and elections held heretofore for issuing of county bonds for construction of highways and bridges.

Section 1. That when heretofore proceedings have been taken by the Board of County Commissioners of any county in this state ordering the submission to the electors of the question of issuing the bonds of the county for the construction of necessary highways and bridges within the county, and an election has been had on said question, such proceedings so taken, and such election so held, and any bonds of such county hereafter issued pursuant thereto and not in excess of the constitutional limit of indebtedness, are hereby legalized and declared to be valid.

Act not to apply to pending suits.

Section 2. This Act shall not apply to any actions now pending in which the validity of said proceedings, election or bonds is called in question.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1913.

CHAPTER 130.

"An Act authorizing the appointment of a Chief Clerk to the State Auditor and Commissioner of Insurance ex-officio and providing the salary therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Auditors chief clerk; authority to appoint and salary.

Section 1. That the State Auditor and Commissioner of Insurance ex-officio is hereby authorized and empowered to appoint a Chief Clerk, at a salary of eighteen hundred dollars per year, payable monthly;

HeinOnline -- 1913 481 1913

providing that nothing herein contained shall be construed to authorize an increase of the number of employees in said office at this time.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1913.

CHAPTER 131.

"An Act to Create and Establish a Forestry School at Missoula, to be conducted and operated as a Department of the University of Montana; to provide a name and to make an appropriation therefor."

Be it enacted by the Legislative Assembly of the State of Montana:

Forestry school established at Montana university.

Section 1. There is hereby created and established in this State and located at the City of Missoula, a Forestry School, as a Department of the University of Montana.

Name of school.

Section 2. That said Forestry School shall be known and designated as "The Department of Forestry of the University of Montana."

Powers of state board of education concerning said school.

Section 3. The State Board of Education is hereby empowered and given authority to make all necessary rules and regulations with reference to the conduct and management of the said Forestry School; to map out and provide for the courses of study to be pursued by students attending said Forestry School; to obtain and provide for necessary quarters, equipment and books therefor, and to retain and hire the necessary professors and instructors to instruct the students therein.

Appropriation first year.

Section 4. The sum of Six Thousand ($6000.00) Dollars is hereby appropriated for the maintenance and conduct of the said Forestry School to February 28th, 1914, which money shall be used exclusively for the benefit of said Forestry School.

Appropriation 2d year.

Section 5. The sum of Six Thousand ($6000.00) Dollars is hereby appropriated for the maintenance and conduct of said Forestry School to February 28th, 1915, which money shall be used exclusively for the benefit of said Forestry School.

Section 6. This Act shall be in full force and effect

HeinOnline -- 1913 482 1913

from and after its passage and approval by the Governor.

Approved March 21, 1913.

CHAPTER 132.

"An Act to Amend Section 7359 of the Revised Codes of Montana of 1907 relating to proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time within which such proceedings may be instituted."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.—That Section 7359 of the Revised Codes of 1907 be, and the same is, amended so as to read as follows:

Amending Section 7359 Revised Codes, 1907.

Section 7359: Within twenty years after judgment for any proceedings had under this title, a person, not a party or privy to such proceedings, may file a petition in the district court of the county in which the seat of government is located, showing his claim or right to the property or the proceeds thereof. A copy of such petition must be served on the attorney general at least twenty days before the hearing of the petition, who must answer the same; and the court must thereupon try the issue as issues are tried in civil actions, and if it be determined that such person is entitled to the property or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him, or, if it has been sold and the proceeds paid into the state treasury, then it must order the auditor to draw his warrant on the treasury for the payment of the same, but without interest or cost to the state, a copy of which order, under the seal of the court, shall be a sufficient voucher for drawing such warrant. All persons who fail to appear and file their petitions within the time limited are forever barred; saving, however, to infants and persons of unsound mind or persons beyond the limits of the United States, the right to appear and file their petitions at any time within the time limited, or five years after their respective disabilities cease; **Provided,** however, that any person claiming the proceeds of the sale of escheated property or property alleged to have escheated, which have been paid into the treasury of the state of Montana, at any time be-

Claim to escheated estate may be filed where and within what time.

Service of copy on Attorney General.

Trial of issue, and proceedings.

Bar by limitation of time.

Person under legal disability may commence action within what time.

Actions which must be begun within one year after passage of act.

HeinOnline -- 1913 483 1913

fore the first day of July, 1895, shall have one year after the passage of this act in which to file his petition for the recovery of such proceeds, as hereinabove provided.

Repealing clause.

Section 2.—That all acts and parts of acts in conflict with this act are hereby repealed.

Section 3.—That this act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1913.

CHAPTER 133.

"An Act to amend Sections 1, 2, 3 and 4 and re-enacting Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Chapter 112, of the Session Laws of the Twelfth Legislative Assembly of 1911, entitled, 'An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows:

Amending Sec. 1 of Chapter 112, Laws of 1911.

Section 1. New counties may, from time to time, be formed and created in this State from portions of one or more counties already in existence, in the manner set forth in this Act; provided, however, that no new counties shall be established which shall reduce any county to an assessed valuation of less than Five Million of dollars; nor shall any new county be formed which contains an assessed valuation of property less than Three Million dollars, as shown by the last preceding assessment of the county or counties from which such new county is to be established; nor shall any line thereof pass within eighteen miles of the county seat of any county proposed to be divided, and in every case where the county seat of the county sought to be divided is situated at or within the boundaries of any incorporated town or city, such county seat shall, for the purpose of this Act, be held to include and to be coterminous with the territory includ-

Formation of new counties.

May not be formed when valuation of any existing county reduced to less than what amount.

Minimum assessed valuation to be possessed by new county.

No line thereof shall pass within less than 18 miles of county seat of another county.

HeinOnline -- 1913 484 1913

ed within the boundaries of the incorporated town or city whereat or wherein the county seat of the county sought to be divided is situated, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in Section 2 of this Act, nor shall any new county be formed which shall reduce to less than eight hundred square miles of surveyed land the area of any existing county from which territory is taken to form such new county. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a pro rata proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken and shall be entitled to a pro rata proportion of the assets of the county or counties from which such territory is taken to be determined as hereinafter provided:

Distance to be calculated from what point.

Number of surveyed square miles which must remain in old counties divided.

New counties to be liable for proportionate existing indebtedness of counties divided.

Section 2. That Section 2 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows:

Amending Sec. 2.

Section 2. Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the board of county commissioners of the county from which said new county is to be formed, in case said county is to be formed from but one county, or to the board of county commissioners of the county from which the largest area of territory is proposed to be taken for the formation of such new county in case said new county is to be formed from portions of two or more existing counties, and such board of county commissioners shall be empowered and have the jurisdiction to do and perform all acts provided for to be done or performed in this Act, for each of the several counties from which any proposed territory is to be taken, and shall direct that a certified copy of all orders and proceedings had before such board of county commissioners shall be certified by the county clerk to the board of county commissioners of each of the several counties from which any territory is taken by the proposed new county and all officers of any such county from which any territory is taken by the proposed new county shall comply with the orders of the board of county commissioners in the same manner, as if said order had been duly made by

Petition for creation of new county to be presented to whom.

Power of boards of county commissioners therein.

Certified copies of all orders and proceeding.. to be certified to whom.

Duty of county officers of the several counties.

HeinOnline -- 1913 485 1913

the board of county commissioners of each respective county from which territory is proposed to be taken. Such petition shall be signed by at least one-half of the qualified electors of the proposed new county, whose names appear on the official registration books used at the general election held therein last preceding the presentation of said petition to the board of county commissioners as herein provided; provided, that in cases where the proposed new county is to be formed from portions of two or more existing counties, separate petitions shall be presented from the territory taken from each county; and each of said separate petitions shall be signed by at least one-half of the qualified electors of each of said proposed portions. Such signatures need not all be appended to one paper, but may be signed to several petitions which must be similar in form, and when so signed the several petitions may be fastened together and shall be treated and presented as one petition. Such petition or petitions shall contain:

Number of signatures required upon petition.

Seperate petitions to be presented when, and number of signatures to be required.

A particular description of the boundaries of the proposed new county to be formed; and a statement that no line thereof passes within eighteen miles of the county seat of any county proposed to be divided;

Contents of petitions.

A statement of the assessed valuation of such proposed county, as shown by the last preceding assessment of the county or counties from which such new county is to be established, provided that the statement of assessed valuation of such proposed county and such statement shall show the number of miles of railroads or railroad therein, together with the total assessed valuation thereof, as fixed by the state board of equalization;

A statement of the area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such new county is formed;

The name of the proposed new county;

A prayer that such proposed new county be organized into a new county under the provisions of this Act.

There shall be attached to and filed with said petition or petitions the affidavit of three qualified electors and tax payers within each county sought to be divided, to the effect that they have read said petition

Affidavits to be attached.

HeinOnline -- 1913 486 1913

and examined the signatures affixed thereto, and they believed that the statements therein are true, and that it is signed by at least one-half of the qualified electors of the proposed new county, or of the proposed portion thereof taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties; that the signatures affixed thereto are genuine, and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing.

Petition and affidavits to be prima facie evidence of what.

Such petition or petitions, so verified, and the verification thereof shall be accepted in all proceedings permitted or provided for in this Act, as prima facie evidence of the truth of the matters and facts therein set forth.

Time for hearing petition to be fixed.

Upon the filing of such petition or petitions and affidavit with the clerk of the said board of county commissioners, said board shall forthwith fix a date to hear the proof of the said petitions and of any opponents thereto, which date must not be more than thirty days subsequent to the filing of such petition with the clerk of said board.

Designating paper in which notice to be published.

Said board of county commissioners shall also at the same time designate a newspaper of general circulation published in the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

Notice.

Form and contents of notice.

Notice is hereby given that a petition has been presented to the board of county commissioners of ..... county (naming the county represented by the board of county commissioners with which said petition was filed) praying for the formation of a new county out of a portion of the said ..... county and ..... county (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said board of county commissioners at its place of meeting (designating the city or town and the day and hour of the meeting so

HeinOnline -- 1913 487 1913

to be held) when and where all persons interested may appear and oppose the granting of said petition and make any objection thereto.

Dated .....

By order of the Board of County Commissioners of ..... County.

By ..... Chairman.

Attest: ..... County Clerk.

Petitions shall give bond to pay expenses when.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with said board of county commissioners a bond to be approved by said board, in such amount as the said board shall designate, but not exceeding five thousand dollars, payable to the county in which said petition is filed, conditioned that the obligators named in said bond will pay to said county all expenses incurred in the proceedings and election provided for in this Act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than thirty-five per cent of the votes cast at said election are "For the new county of ..... (naming proposed new county) No."

Condition of bond.

County Commissioners to proceed with hearing, when.

At the time so fixed for said hearing the board of county commissioners shall proceed to hear the petitioners and any opponents upon the petition or protests filed, on or before the time fixed for the hearing, no petition or protests shall be considered unless the same is filed on or before the time fixed for the hearing, and may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs offered to establish or controvert the facts set forth in said petition or petitions and on the final hearing of such petition or petitions said board shall by resolution entered on its minutes determine:

Adjournments from time to time.

What commissioners shall determine.

1st. The boundries of the proposed new county, and the boundaries so determined by said board of county commissioners shall be the boundaries of such proposed new county if it be created as herein provided.

2nd. Whether the said petition contains the genuine signatures of at least one-half of the qualified electors of the proposed new county, as herein required, or, in cases where separate petitions are presented from portions of two or more existing counties,

HeinOnline -- 1913 488 1913

as herein required, whether each petition is signed by at least one-half of the qualified electors of that portion of each of such existing counties, which it is proposed to take into the proposed new county.

3rd. Whether any line of the proposed new county passes within eighteen miles of the county seat of any county proposed to be divided.

4th. Whether the proposed new county will contain property according to the last preceding assessment which will equal in amount at least three million dollars, and the assessed valuation of all railroad or railroads within the proposed county shall be added to the assessment of property contained in said proposed county, in estimating and determining the amount of the assessed valuation of property thereof.

5th. Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than eight hundred square miles of surveyed land by taking the territory proposed to be taken therefrom to form such new county.

6th. The class to which said proposed new county after its creation, shall belong, and the name of said proposed new county as stated in such petition.

When commissioners, on final hearing, may change proposed boundaries.

On the final hearing said board of county commissioners must, upon petition of not less than fifty per cent of the qualified electors of any territory lying within said proposed new county and contiguous to the boundary line of the said proposed new county and of the old county from which such territory is proposed to be taken, and lying entirely within a single old county, and described in said petition, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; provided, that if any change or changes so made shall result in reducing the valuation of the proposed new county to less than an assessed valuation of three million dollars, then such new county shall not be created or organized; and provided, further, that no change shall be made which shall leave the territory so excluded, separate and apart from and without the county of which it was formerly a part; petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the clerk of the board

Proviso; that new county shall not be created, when.

How petition for excluding territory shall be disposed of.

HeinOnline -- 1913 489 1913

of county commissioners, and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties.

Amending section three.

Section 3. That Section 3 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows:

Duties of board of county commissioners, when findings justify the creating of proposed new county.

Section 3. If the said board of county commissioners determines that the formation of said proposed new county will not reduce any county from which any territory is taken to an assessed valuation of less than five million dollars, nor the area thereof to less than eight hundred (800) square miles of surveyed land, and that the proposed new county contains property of an assessed valuation of at least three million dollars, and that no line of said proposed new county passes within eighteen miles of the county seat of any county proposed to be divided, and that said petition contains the genuine signatures of at least one half of the qualified electors of the proposed new county or in cases where separate petitions are presented from portions of two or more existing counties, as herein required, that each of said petitions contain the genuine signatures of at least one half of the qualified electors of that portion of the proposed new county from which it is taken, then said board of county commissioners shall divide the proposed new county into a convenient number of townships, road and school districts, and define their boundaries and designate the names of such districts, and each of them; they shall also, if necessary for the purpose of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county; provided, that the boundary lines of no such precinct shall extend beyond the boundary lines of the existing county in which it is located and from which the territory is proposed to be taken; and said board shall appoint the election officers to act at said election and to be paid by said board. Within two weeks after its determination of the truth of the allegations of said petition as aforesaid, the said board of county commissioners shall order, and give proclamation and notice of, an election to be held on a specified day in the territory which is

Proviso.

Appointment of election officers.

Order and proclamation of election to be made within what time.

HeinOnline -- 1913 490 1913

proposed to be taken for the new county, not less than ninety nor more than one hundred and twenty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county, and for the election of officers and locating of a county seat therefor in case the vote at such election shall be in favor of the establishment and organization of such new county.

Qualified electors who may vote.

All qualified electors resident within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such proposed new county, and who have resided within the limits of the proposed county for a period of more than six months next preceding the day of election, and who were on the official registration list at the last general election, or who are entitled to be registered for said special election under the provisions of this Act, shall be entitled to vote at said election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in the state of Montana.

Registered or entitled to register.

Publication of proclamation of election.

Such proclamation and notice of election shall be published at least once a week for three weeks before holding of such election, in some newspaper of general circulation published in the territory which is proposed to be taken for the new county, and a copy thereof shall be mailed immediately by the county clerk of the county in which the petition is filed to the county clerk of each county from which territory is taken for the proposed new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words "For the new county of (giving the name of proposed new county) Yes," and "For the new county of (giving the name of the proposed new county) No," and each voter desiring to vote for the establishment and organization of said new county shall mark a cross (X) opposite the words "For the new county of..... Yes," in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark a cross (X) opposite the words "For the new county of ..... No," in the manner now required by law in other elections:

Copies to be mailed to whom.

Proclamation and notice shall require what.

Manner of marking ballots.

Ballots shall contain names of persons to be elected to office.

HeinOnline -- 1913 491 1913

and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed county will belong, as determined by the board of county commissioners as herein directed and in the manner provided by law, except as herein otherwise provided, there shall also be printed upon said ballots the words "For the county seat" and the names of all cities or towns which may have filed with the county clerk a petition signed by at least twenty-five qualified electors, nominating any city or town within the proposed new county for the county seat, and the voter shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot at a special election to be held, as provided in this Act, the question of the election of the county seat is hereby provided to be submitted to the qualified electors of the proposed new county, and the majority of all the votes cast therefor shall determine the election thereon. In case any city or town fails to receive a majority of all the votes cast, then the city or town receiving the highest number of all votes cast, shall be designated as the temporary county seat, and in case any city or town is not the choice of the election for the county seat by a majority of all votes cast, the question of choice between the two places, for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors at the next general election thereafter. When the county seat shall have been selected as herein provided, it shall not thereafter be changed.

Also names of places to be voted for as county seat.

Designating choice for county seat.

Temporary county seat.

If no choice is made for county seat the question is to be re-submitted when.

The proclamation calling the election and the notice thereof provided for in this Act shall be made and given exclusively by the board of county commissioners with which is filed the said petition for the formation and establishment of such new county, and such board shall cause the clerk of said county to furnish to the officers of each precinct in such proposed new county all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes and other election supplies equipment necessary to conduct such election and which are not hereinafter specifically directed to be furnished by the clerk of another county or counties.

Proclamation and notice calling election to be issued and given by whom, only.

Tally sheets, poll lists, registors of voters, signatures, etc., to be furnished by county clerk.

Such election shall be governed and controlled by

HeinOnline -- 1913 492 1913

Election to be controlled and governed by what laws.

the general election laws of the state so far as the same shall be applicable, except as herein otherwise provided. The returns of all elections for officers and for location of the county seat, as provided for in this Act, shall be made to and canvassed by the board of county commissioners of the county from which the largest area is taken by the proposed county. The county clerk of each county from which territory is taken for the proposed new county shall, not less than five days before the date of such election, furnish to each board of election within said proposed new county, the book of affidavits of registration for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors at the last general election before the date of such election. All returns of election herein provided for shall be made to the board of county commissioners calling such election.

Returns and canvassing of votes to whom and by whom made.

County clerks of counties divided shall furnish each board of election books of affidavits and registration of voters in territory to be placed in new county.

All returns to be made to whom.

Filing of nominations for election.

All nomination of candidates for the offices required to be filled at said election shall be made in the manner provided by law for the nomination of candidates for all general state elections.

Application of laws relating to ballots and primary election.

The provision of the election laws relating to preparation, printing and distribution of sample ballots and the provisions of said laws relating to primary elections in this state shall have application to any election provided for in this Act.

Amending section four of act.

Section 4. That Section 4 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows;

That Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same are hereby re-enacted and read as follows:

Fifty one per cent of votes cast required to establish new county: or fifty one per cent cast in each territory to be included.

Section 4. If upon the canvas of the votes cast at such election it appears that fifty-one per cent of the votes cast where the proposed new county is formed from one existing county, or that fifty-one per cent of the votes cast in the territory taken from each county, where the proposed new county is formed from two or more existing counties are "For the new county of ..... (naming it) Yes," the board of county commissioners shall by a resolu-

HeinOnline -- 1913 493 1913

Resolution to be passed and entered by county commissioners in case proposed new county carries.

County seat.

Officers elected.

Copy to be filed in office of secretary of state.

County deemed to be created and organized.

Officers entitled to enter upon the discharge of their duties.

Certificates of election.

Terms of office.

In case more than forty-nine percent of votes cast were cast against the proposition.

tion entered upon its minutes declare such territory duly formed and created as a county of this state, of the class to which the same shall belong, under the name of .....County (naming it), and that the place (naming it) receiving the highest number of votes cast at said election for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices. Said board shall forthwith cause a copy of its said resolution duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as required by the laws of the state. The clerk of the board of county commissioners with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated to be elected, a certificate of election authenticated by his signature and the seal of said board of county commissioners. All the officers elected at said election, or appointed under this Act, shall hold their offices until the time provided by general law for the election and qualification of such officers in this State and until their successors are elected and qualified and for the purpose of determining the term of office of such officers, the years said officers are to hold office, are to be computed respectively from and including the first Monday after the first day of January following the last preceeding general election.

If, however, upon such canvass it appears that more than fourty-nine per cent of the votes cast at said election where the proposed new county is formed from one existing county or that more than fourty-nine per cent of the votes in the territory taken from any county, where the proposed new county is formed from two or more existing counties, are for the

HeinOnline -- 1913 494 1913

new county of ..... (naming it) No, the board of county commissioners canvassing said vote as provided herein shall pass a resolution in accordance therewith and thereupon the proceedings relating to the division of such county or counties shall cease and determine and no other proceedings in relation to the division of said county or counties shall be instituted for at least two years after such determination;

Duty of county commissioners in such event.

No other proceedings for divisions of said county or counties shall be had until after when.

"Section 5. That section 5 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows"

Amending section five of act.

Section 5. At the election provided for in Section 3 of this act there shall be chosen such county, township and district officers as are now or may hereafter by general law be provided for in counties of the class to which the said new county is determined to belong, as herein provided.

What officers shall be elected at election provided for in section three of this act.

Provided also, that all duly elected, qualified, and acting justices of the peace and constables residing within the proposed new county at the time of the division of such county into townships as hereinbefore in Section 3 hereof provided, shall hold office as such justices of the peace or constables in said county for the remainder of the term for which they were elected on qualifying as justices of the peace or constables for the respective townships in which they reside, when said townships are organized as provided in this Act; also provided that all duly elected, qualified and acting school trustees residing within the proposed new county at the time of the division of such county into school districts, as hereinbefore in Section 3 hereof provided, shall hold office as school trustees in said new county for the remainder of the term for which they were elected on qualifying as school trustees for the respective districts in which they reside as said districts are organized, as provided by this act. Each person elected or appointed to fill an office of such new county under the provisions of this act shall qualify in the manner provided by law for such officers, except as herein otherwise provided, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. Each of such

Existing justices of the peace and constables shall continue in office until terms expire.

School trustees, also to continue in office until when.

Elected officers shall qualify how.

Shall enter upon discharge of duties within what time.

HeinOnline -- 1913 495 1913

Oath of office and official bond.

officers may take the oath of office before any officers authorized by the law of the State of Montana to administer oaths and the bond of any officer from which a bond is required shall be approved by any judge of the district court of the district to which such new county is attached for judicial purposes.

Compensation of officers.

The officers elected or appointed under the provision of this act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in counties of the class to which such new county shall have been determined to belong, as herein provided under the general classification of counties in this State.

New county to be part of what judicial district.

Said new county when created and organized in pursuance of the provisions of this act shall be attached to such judicial district as may be designated by the governor of the state of Montana in a proclamation to be issued by him designating such new county as attached to the particular judicial district for judicial purposes.

Amending section six.

Section 6. That section 6 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows:

County commissioners of new county shall meet, qualify and organize when.

Section 6. It shall be the duty of the persons elected to or continuing to hold the office of county commissioners of said new county to meet at the county seat thereof within five days after all of them shall have qualified, and upon organization of said board of

To notify the Governor.

county commissioners, it shall notify the governor of the state of the organization of said county, and thereupon it shall be the duty of the governor to appoint

Governor shall appoint commission to adjust indebtedness of old and new counties.

three persons, one of whom shall be resident and taxpayer within the new county and no two of whom shall be from any one county; the three persons so appointed shall form and be a board of commissioners. Such commissioners shall within ten days after the notice of the appointment, meet at the county

Commissioners shall meet at county seat of new county, when

seat of the new county and organize by electing from their number a chairman, and also elect a secretary who must not be a member of said commission. Thereafter such commission may meet at such place or places as it may select. A majority of said commissioners shall constitute a quorum for the trans-

Organizing.

action of business. Said commission shall have power

HeinOnline -- 1913 496 1913

to compel by citation or subpoena, signed by their president and secretary, the attendance of such persons and the production of such books and papers before said commission as may be required in the performance of the duties imposed by this Act, except that the official records of any county or counties from which said new county was formed shall in no case be taken from the county seat of said county. It shall be the duty of the sheriff of any county to execute in his county all lawful orders and citations of the said commission; and for any services so performed, the sheriff shall be allowed the same fees as are allowed to him for services in civil actions, and all witnesses attending before said commission shall be entitled to the same compensation and mileage as is allowed to witnesses in civil actions in courts of record; provided, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making such service to tender to such witness his fees and mileage in advance.

Quorum.

Commission to have power to compel attendance of witnesses and the production of evidence.

Duty of sheriff therein.

Sheriff's fees.

Compensation and mileage of witnesses.

Need not be advanced.

Section 7. That section 7 of chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows.

Amending Section seven.

Section 7. Said board of commissioners shall immediately after its organization ascertain the costs of the election held hereunder and apportion the same pro rata between each of the counties from which territory was taken to form such new county, and said new county, and shall also ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election was declared by the board of county commissioners as hereinbefore provided, and also the total value of all property at the time belonging to each of said counties from which territory was taken, and situate within the limits of said old counties respectively. It shall also ascertain the assessed value of all property in each of the original old counties from which territory was so taken, according to the last completed assessment made for said county, and also the assessed value, under the same assessement, of all property within the territory of the new county which shall have been taken from

Duties of commissioners to adjust indebtedness, regarding election costs.

To ascertain indebtedness of the counties.

Also total value of the property.

Assessed valuation of all property in the old county or counties.

Value of property within the new county.

HeinOnline -- 1913 497 1913

Adjustment of indebtedness between the counties, method ond proceeding.

the old county or counties from which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election, as hereinbefore provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof to be determined as follows; As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county. Said board of commissioners shall certify forthwith to the board of county commissioners of the new county and the old counties thereby effected, the amount constituting the due proportion of said excess payable by such new county or each of them; also the value of any property belonging to each old county at the time when said division took effect, as hereinbefore provided, which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property situated as aforesaid in the new county, shall upon settlement therefor; as provided in this act, become the property of the new county, and the old county, shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof as hereinbefore provided.

Method of determining amount, if any, to be paid by new county.

Certificate of commissioners; contents of.

Indebtedness of new county to the old county, or counties.

Property of new county.

Indebtedness to be paid by old county.

Expenses of election to be paid by whom.

Like proceedings to be had in adjustment of indebtedness between the new and each old county.

The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county in the manner and at the ratio in said section provided. If upon the settlement between the old and new county as herein provided for, the new county shall be found

HeinOnline -- 1913 498 1913

to be indebted to the old county or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county and said new county shall pay the same; provided, however, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the board of county commissioners of said new county adopted within one year after the receipt of the statement from the board of commissioners as aforesaid of the amount or amounts due from it.

Taxes to be levied in new county to pay adjusted indebtedness to old counties, if any.

May be paid, how.

Section 8. That section 8 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows;

Amending Section eight.

Section 8. Members of the board of commissioners provided for under this act shall receive a compensation of not to exceed $8.00 per day for every day they are actually employed under the provisions of this act, together with their actual expenses incurred in the performance of their duties, and the clerk of said board shall receive as compensation for his services not to exceed $5.00 per day for every day that he is actually employed under the provisions of this act, all of which expenses, together with the reasonable expenses of stationary, postage, and incidental expenses shall be borne in equal proportions by the counties affected by such division, including said new county, and the amounts payable by each county shall be paid by the treasurers of the respective counties, after the same shall have been presented to and allowed by the board of county commissioners as is provided by law for claims against any county.

Compensation for commissioners.

Actual expenses incurred.

Compensation for clerk of the board.

To be paid by whom.

Section 9. That section 9 of chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows;

Amending Section nine.

Section 9. After the creation of a new county, as herein provided, its officers shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the then current year and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and

Duty of officers of new county in collecting amount taxes.

HeinOnline -- 1913 499 1913

taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the board of county commissioners of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceeding had been originally had in the new county and such certified copies shall be taken and deemed as originals, and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county, and the officials of the new county, are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the old county or counties had been originally had in the new county.

Duty of officers of old county regarding the collection of taxes for current year.

Filing of certified copies of assessment, etc.

To be taken and deemed as original proceedings in new county.

Officials of new county to collect taxes.

Amending Section ten.

Section 10. That section 10 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows.

Copies of School census to be furnished by and to whom.

Other duties of county superintendent.

Duty of county treasurer regarding road funds.

Duty of county commissioners therein.

Section 10. The Suprintendent of public schools of the old county or each of the old counties respectively shall furnish the suprintendent of the public schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and shall certify to the board of county commissioners the amount due, and said board shall order a warrant drawn on the treasurer of his county in favor of the treasurer of the new county, for all the money that is or may be due by any apportionment or otherwise to the different school districts embraced in the new county, from his county and the county treasurer shall certify to the county commissioners the amount due in the different road funds, and the county commissioners shall order a warrent drawn on the treasurer of his county in favor of the treasurer of the new

HeinOnline -- 1913 500 1913

county for all money that is or may be due by apportionment or otherwise to the different road and district funds, in the territory set apart to form the new county, from his county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county a road or school district has been divided the board of county commissioners shall by resolution direct the treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the treasurer of the new county.

When road district has been divided.

Section 11. That Section 11 of Chapter 112 of the Session Laws of the Twefth Legislative Assembly be and the same is hereby amended to read as follows;

Amending Section eleven.

Section 11. The board of county commissioners of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or effect property or the title thereof situate in the new county, and said records when so transcribed and certified as herein provided shall have the same force and effect as such original records; the said county commissioners shall have full power and authority to contract for transcribing of records as now provided by law.

Duty of county commissioners regarding transfer of records, and supplies therefor.

Force and effect of certified transcribed records.

Section 12. That Section 12 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows;

Amending Section twelve.

Section 12. All actions pending in the district court of the old county or counties for the recovery of the possession of, quieting the title to or for the enforcement of liens upon, or any other actions affecting real estate lying in the new county shall on motion of any party thereto be transferred to the district court to which the new county may be attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the district court of the new county, All other actions or special proceedings pending in the district court or courts of said old county or counties, if said new county had been in existence at the date in which it is pending and on motion of any party interested therein be transferred to the district court of such new county.

Transfer of pending actions in district court concerning real estate in new county.

Transfer of other pending actions and proceedings.

HeinOnline -- 1913 501 1913

Amending Section thirteen.

Section 13. That Section 13 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows;

When publication required by act may be had by posting of notice.

Section 13. Whenever in this act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notice in at least ten publick places in such territory for the same length of time said notice was required to be published.

Amending Section fourteen.

Section 14. That Section 14 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows;

State senator and member of the house of new county.

Section 14. The territory within the limits of any new county until otherwise provided by law shall be entitled to representation in the state senate by one state senator and to representation in the house of representatives by one member of the house of representatives.

Amending Section fifteen.

Section 15. That Section 15 of Chapter 112 of the Session Laws of the Twelfth Legislative Assembly be and the same is hereby amended to read as follows;

Misdemeanor and malefeasance in office.

Section 15. Any member of any board of county commissioners or any other officer who unlawfully and knowingly violates any of the provisions of this Act, or fails to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of

Guilty officer to be deprived of office.

malfeasance in office and be deprived of his office by a decree of a court of competent jurisdiction after trial and conviction.

Repealing clause.

Section 16. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 17. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21st, 1913, at 2 o'clock P. M.

CHAPTER 134.

"An Act to provide for a Deputy State Coal Mine Inspector to be under the supervision of the State Coal Mine Inspector, and defining his duties, qualifications and salary."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Governor, by and with the advice

HeinOnline -- 1913 502 1913

and consent of the Senate, shall appoint one Deputy State Coal Mine Inspector. Said Deputy State Coal Mine Inspector shall be selected from among the list of names certified to by the County Examining Board for Mine Foreman, Fire Boss or Mine Examiner, as having successfully passed the examination of Mine Foreman and who has been granted a certificate of competency as such by a County Examining Board in Montana.

Deputy coal mine inspector.

Appointment from whom.

Section 2. He shall have like powers and duties as the State Coal Mine Inspector, but be under the supervision and subject to the orders of and report to the State Coal Mine Inspector, any and all acts pertaining to the inspection of mines, investigation of accidents, scales, wash houses and any other duties as such Deputy State Coal Mine Inspector and shall reside in and perform the duties of Deputy State Coal Mine Inspector in the Districts assigned him by the State Coal Mine Inspector. The Deputy State Coal Mine Inspector shall receive a salary of Twenty One Hundred ($2,100.) Dollars per year, and all necessary traveling expenses. He shall file with the State Treasurer, a bond in the sum of Five Thousand ($5000.) Dollars, approved by the Governor for the faithful performance of his duties.

Powers and duties.

Shall reside where.

Salary and necessary expenses.

Official bond.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1913.

CHAPTER 135.

"An Act to amend Section 7 of Chapter 112 of the Session Laws of 1911, relating to the adjustment of liabilities and assets between old and new counties."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That Section 7 of Chapter 112 of the Laws of 1911 be, and the same is hereby amended to read as follows:

Amending Section 7, of Chapter 112, Laws of 1911.

Section 7. Said Board of Commissioners shall, immediately after its organization, ascertain the costs of the election held hereunder and apportion the same pro rata between each of the counties from which territory was taken to form such new county, and said new county, and shall also ascertain the indebt-

Duty of commissioners in ascertaining and apportioning cost of election between all the counties concerned.

HeinOnline -- 1913 503 1913

Also to ascertain the indebtedness of each county from which territory was taken, and the total value of all property therein, and total valuation of all property in each of old counties, and that in new county.

edness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election thereon was declared by the Board of County Commissioners as hereinbefore provided, and also the total value of all property at that time belonging to each of said counties from which territory was taken, and situate within the limits of said old counties respectively. It shall also ascertain the assessed value of all property in each of the original old counties from which territory was so taken, according to the last completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the old county or counties from which said new county was formed. They shall then find the difference between the amount of indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election as hereinbefore provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof to be determined as follows: As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this Act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county. Said Board of Commissioners shall certify forthwith to the Board of County Commissioners of the new county and the old counties thereby affected, the amount constituting the due proportion of said excess payable by such new county to each of them: also the value of any property belonging to each old county at the time when said division took effect as hereinbefore provided, which is situated in the new county. The sum of said ascertained value of said last mentioned property added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property situated as aforesaid in the new county, shall upon settlement

Method and procedure in adjusting the indebtedness between the counties.

Certificate of commissioners and contents thereof.

Indebtedness of the new to the old counties.

HeinOnline -- 1913 504 1913

therefor, as provided in this Act, become the property of the new county, and the old county shall pay the entire indebtedness against it, and the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof as hereinbefore provided. The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county in the manner and at the ratio in said section provided. If upon the settlement between the old and the new county as herein provided for, the new county shall be found to be indebted to the old county or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon property contained in said new county and said new county shall pay the same; provided, however, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the Board of County Commissioners of said new county, adopted within one year after the receipt of the statement from the Board of Commissioners as aforesaid of the amount or amounts due from it. If the value of the property belonging to the old county exceeds the indebtedness of the old county, then the old county shall pay to the new county a due proportion of such excess, which proportion shall be determined by the Board of Commissioners and shall be paid by the old county to the new county in the same manner and subject to the same conditions herein provided for payment by the new county to the old county when the indebtedness of the old county exceeds the value of the property in the old county.

What shall become the property of the new county.

Like proceedings to be taken in what matters.

Taxes to be levied in new county to pay adjusted indebtedness to old counties, if any.

May be made how and in what time.

If property in the old county exceeds the indebtedness of the old county, it shall pay new county what amount.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21st, 1913, at 4 o'clock P. M.

HeinOnline -- 1913 505 1913

HOUSE BILL NO. 420.

"An Act Appropriating Money for the Maintenance of the Executive and Judicial Departments of the State Government for Two Years, Commencing March 1st, 1913 And Ending February 28, 1915."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1913 and ending February 28, 1914.

Executive Department.

Office of Governor.

For salary of Governor, Five Thousand Dollars.

Salary of Private Secretary, Twenty Four Hundred Dollars.

Salary of Stenographer, Fifteen Hundred Dollars.

Office and Traveling expense Governor, Fifteen Hundred Dollars.

Montana's Proportion Expense of Governor's Conference, Two Hundred Fifty Dollars.

Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars.

Salary of Deputy Secretary of State, Twenty One Hundred Dollars.

Salary of Stenographer, Fifteen Hundred Dollars.

Extra Clerical Hire, Seven Hundred Dollars.

Office Expense, Fifteen Hundred Dollars.

Postage and Expressage Session Laws, Three Hundred Dollars.

For Expense of enforcing Act creating office of State Sealer of Weights and Measures, Six Thousand Dollars.

Office of State Treasurer.

Salary of State Treasurer, Three Thousand Dollars.

Salary Deputy State Treasurer, Twenty One Hundred Dollars.

Salary Clerk State Treasurer, Eighteen Hundred Dollars.

Salary Stenographer, Twelve Hundred Dollars.

Office and Traveling Expense, One Thousand Dollars.

For Official Bond of State Treasurer, Two Thousand Dollars.

Office of State Auditor.

Salary of State Auditor, Three Thousand Dollars.

Salary of Deputy Commissioner of Insurance, Twenty One Hundred Dollars.

HeinOnline -- 1913 506 1913

Salary Deputy Auditor, Twenty One Hundred Dollars.
Salary Chief Clerk, Fifteen Hundred Dollars.
Salary two stenographers, each, Twelve Hundred Dollars, Two Thousand Four Hundred Dollars.
Extra Clerical Hire, Office and Traveling Expenses, Two Thousand Dollars.

Office

For Employment of Actuary, Insurance Department, Nine Hundred Dollars.

Office of Attorney General.

Salary of Attorney General, Three Thousand Dollars.
Salary of First Assistant, Twenty Five Hundred Dollars.
Salary of Second Assistant, Twenty Five Hundred Dollars.
Salary of Third Assistant, Twenty Five Hundred Dollars.
Salary of Law Clerk, Eighteen Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and Traveling Expenses, Two Thousand Dollars.

Office of Superintendent of Public Instruction.

Salary Superintendent Public Instruction, Three Thousand Dollars.
Salary Deputy Superintendent Public Instruction, Twenty One Hundred Dollars; Salary of Rural School Inspector, Twenty One Hundred Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and Traveling Expense, Four Thousand Dollars.

Office of Railroad Commissioner.

Salary of Commissioners, Twelve Thousand Dollars.
Salary of Secretary, Three Thousand Dollars.
Salary of Rate Clerk, Twenty Five Hundred Dollars.
Salary of Inspector, Eighteen Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and Traveling Expenses, including extra clerical hire, Five Thousand Dollars.
Salary of Inspector of steamboats Twelve Hundred Dollars.

Office of State Examiner.

Salary of State Examiner, Three Thousand Dollars.
Salary of First Assistant, Twenty Four Hundred Dollars.
Salary of Second Assistant, Twenty One Hundred Dollars.
Salary of Deputy Examiner, Eighteen Hundred Dollars.
Salary of Deputy Examiner, Eighteen Hundred Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Office and traveling expenses, Five Thousand Dollars.

HeinOnline -- 1913 507 1913

Office of State Veterinarian.

Salary of State Veterinarian, Three Thousand Dollars.

Salary of Deputy Veterinarian, Fifteen Hundred Dollars.

Salary of Clerk, Twelve Hundred Dollars.

Traveling and Office Expenses of Veterinarian, Three Thousand Dollars.

Traveling Expense Deputy Veterinarian, Twenty Five Hundred Dollars.

Tuberculin Test Fund, Fifteen Thousand Dollars.

Bureau of Labor and Industry.

Salary of Commissioner, Twenty Five Hundred Dollars.

Salary of Chief Clerk, Twenty One Hundred Dollars

Salary of Stenographer, Twelve Hundred Dollars.

Office and Traveling Expense, Two Thousand Dollars.

Bureau Agriculture and Publicity.

Salary of Commissioner, Twenty Five Hundred Dollars.

Salary of Clerk, Twenty One Hundred Dollars.

Salary of Stenographer, Twelve Hundred Dollars.

For Publicity purposes, including publishing and distributing literature, advertising, office, traveling and other expenses, Five Thousand Dollars.

Office of Boiler Inspector.

Salary of Inspector, Twenty Five Hundred Dollars.

Salary of Assistant, Twenty One Hundred Dollars.

Salary of Second Assistant, Twenty One Hundred Dollars.

Salary of third Assistant, Twenty One Hundred Dollars.

Salary of Clerk, Fifteen Hundred Dollars.

Office and traveling expense, Six Thousand Two Hundred Dollars.

Office of Mine Inspector.

Salary of Inspector, Twenty Five Hundred Dollars.

Salary of Assistant, Twenty Four Hundred Dollars.

Office and Traveling expenses, Twenty One Hundred Dollars.

Office of Coal Mine Inspector.

Salary of Inspector, Twenty Five Hundred Dollars.

Salary of Deputy Inspector, Twenty One Hundred Dollars.

Office and traveling expense Twenty Five Hundred Dollars.

Office of Adjutant General

Salary of Adjutant General, Eighteen Hundred Dollars.

Salary of Stenographer (from Bureau of Child and Animal protection) two hundred dollars.

Office and traveling expense, Eight Hundred Dollars.

HeinOnline -- 1913 508 1913

State Board of Education.

Traveling expense, members, Fifteen Hundred Dollars.

Office of Consolidated Boards.

Salary of Clerk, Twenty One Hundred Dollars.

Office expense, Three Hundred Dollars.

Extra clerical hire, Two Hundred Dollars.

Traveling expense of members, Five Hundred Dollars.

State Law Library.

Salary of Librarian, Twenty Five Hundred Dollars.

Maintenance and expense of Library, Five Hundred Dollars.

Purchase of books and book cases, Three Thousand Dollars.

State Historical Library.

Salary of Librarian, Twenty One Hundred Dollars.

Salary of First Assistant, Twelve Hundred Dolars.

Salary of Second Assistant, Twelve Hundred Dollars.

Expense including purchase of books, etc., Two Thousand Dollars.

Furniture and cases, Two Thousand Dollars.

State Board of Horticulture

Salary of Secretary, One Thousand Dollars.

Expense, Thirteen Thousand Five Hundred Dollars.

Farmers' Institute

Expense, Ten Thousand Dollars.

State Board of Examiners.

Salary of Clerk, Twenty One Hundred Dollars.

Salary of State Accountant, Twenty One Hundred Dollars.

Extra Clerical hire, Two Hundred Dollars.

Office Expense, Three Hundred Dollars.

Contingent Expense, Five Thousand Dollars.

State Board of Health.

Salary of Secretary, Three Thousand Dollars.

Salary of Clerk, Twelve Hundred Dollars.

Two stenographers, each, Twelve Hundred Dollars, Two Thousand Four Hundred Dollars.

Expense, Three Thousand Dollars,

Expense Pure Food, Five Thousand Dollars; Chemists, Four Thousand Dollars.

State Board of Charities and Reform.

Expense, Five Hundred Fifty Dollars.

State Board of Examiners for Coal Mine Inspector.

Salary and Expense One Thousand Dollars.

Members of Examining Boards, Except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by the

HeinOnline -- 1913 509 1913

Judge of The District Court in any County where coal is mined; for compensation and expenses, Fifteen Hundred Dollars.

Bureau of Child and Animal Protection.

Salary of Secretary, Twenty Five Hundred Dollars.
Salary of First Deputy, Eighteen Hundred Dollars.
Salary of Second Deputy, Eighteen Hundred Dollars.
Salary of Third Deputy, Eighteen Hundred Dollars.
Salary of Fourth Deputy, Eighteen Hundred Dollars.
Salary of Fifth Deputy, Eighteen Hundred Dollars.
Salary of Sixth Deputy, Eighteen Hundred Dollars
Salary of Stenographer, One Thousand Dollars.
Office and traveling expenses, Seven Thousand Two Hundred Dollars.

State Fair

Salary of Secretary, Three Thousand Dollars.

Office of State Engineer.

Salary of State Engineer, Three Thousand Dollars.
Field and Office Expense, Seven Hundred Fifty Dollars.
Measurement of Streams, Five Thousand Dollars.

Transportation of Prisoners.

Expense of Sheriffs in transporting prisoners to penitentiary, Seven Thousand Five Hundred Dollars.
For Requisitions Twenty Five Hundred Dollars.
For Rewards, Two Thousand Dollars.
For Public Printing, Twenty Thousand Dollars.
For Maintenance and care of Capitol Building and Grounds, Twenty Seven Thousand Dollars.
For Maintenance National Guard, Ten Thousand Dollars.

State Entomologist.

Expense, Two Thousand Dollars.
For Salary of Acting Governor, Seven Hundred Fifty Dollars.
For Sheep Inspection and Indemnity Fund, Ten Thousand Dollars.
For Stock Inspection and Detective Fund, Twenty Five Thousand Dollars.
For Live Stock Sanitary Board, Ten Thousand Dollars.
For Interest on Bounty Claims, Five Thousand Dollars.

JUDICIAL DEPARTMENT.

Supreme Court.

Salary of three justices, Eighteen Thousand Dollars.
Compensation for Reporting decisions, Forty Five Hundred Dollars.

HeinOnline -- 1913 510 1913

Salary Clerk of Supreme Court, Twenty Five Hundred Dollars.

Salary of Stenographer Supreme Court, Twenty Four Hundred Dollars.

Salary of Marshal, Twelve Hundred Dollars.

Salary of Attendant, Twelve Hundred Dollars.

Office and other expense, Clerk Supreme Court, Seven Hundred Fifty Dollars.

Expense Court not otherwise provided for, Five Hundred Dollars.

Salaries of District Judges, Ninety Two Thousand Dollars.

Expenses of Judges sitting in places not their residence, within their districts and also when sitting in place of other judges, Five Thousand Dollars.

Salary of County Attorneys, Thirty Two Thousand Dollars.

For Printing Montana Reports, Eighteen Hundred Dollars.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1914, and ending February 28, 1915.

EXECUTIVE DEPARTMENT.

Office of Governor.

Salary of Governor, Five Thousand Dollars.

Salary of Private Secretary, Twenty Four Hundred Dollars.

Salary of Stenographer, Fifteen Hundred Dollars.

Office and traveling expense Governor, Fifteen Hundred Dollars.

Montana's Proportion Expense of Governor's conference, Two Hundred Fifty Dollars.

Office of Secretary of State.

Salary of Secretary of State, Three Thousand Dollars.

Salary of Deputy, Twenty One Hundred Dollars.

Salary of Stenographer, Fifteen Hundred Dollars.

Extra Clerical Hire, Three Hundred Dollars.

Office Expense, Fifteen Hundred Dollars.

For enforcing the provisions of Act creating the office of State Sealer of Weights and Measures, Four Thousand Dollars.

Office State Treasurer.

Salary of State Treasurer, Three Thousand Dollars.

Salary of Deputy, Twenty One Hundred Dollars.

Salary of Clerk, Eighteen Hundred Dollars.

HeinOnline -- 1913 511 1913

Salary of Stenographer, Twelve Hundred Dollars.
Office and Traveling expense, One Thousand Dollars.
Official Bond, Two Thousand Dollars.

Office of State Auditor.

Salary of Auditor, Three Thousand Dollars.
Salary of Deputy Commissioner of Insurance, Twenty One Hundred Dollars.
Salary of Deputy Auditor, Twenty One Hundred Dollars.
Salary of Chief Clerk, Fifteen Hundred Dollars.
Employment of Actuary Insurance Department, Nine Hundred Dollars.
Salary of two stenographers, each Twelve Hundred Dollars, Two Thousand Four Hundred Dollars.
Extra Clerical Hire, Office and Traveling expense, Two Thousand Dollars.

Office of Attorney General.

Salary of Attorney General, Three Thousand Dollars.
Salary of First Assistant, Twenty Five Hundred Dollars.
Salary of Second Assistant, Twenty Five Hundred Dollars.
Salary of Third Assistant, Twenty Five Hundred Dollars.
Salary of Law Clerk, Eighteen Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and traveling expense, Two Thousand Dollars.

Office of Superintendent of Public Instruction.

Salary of Superintendent of Public Instruction, Three Thousand Dollars.
Salary of Deputy, Twenty One Hundred Dollars.
Salary Rural School Inspector, Twenty One Hundred Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Office and traveling expense, Four Thousand Dollars.

Office of Railroad Commissioners.

Salary of Commissioners, Twelve Thousand Dollars.
Salary of Secretary, Three Thousand Dollars.
Salary of Rate Clerk, Twenty Five Hundred Dollars.
Salary of Inspector, Eighteen Hundred Dollars
Salary of Stenographer, Twelve Hundred Dollars.
Office and Traveling expense, including extra clerical hire, Five Thousand Dollars.
Salary of Steamboat Inspector, Twelve Hundred Dollars.

Office of State Examiner.

Salary of State Examiner, Three Thousand Dollars.
Salary of First Assistant, Twenty Four Hundred Dollars.

HeinOnline -- 1913 512 1913

Salary of Second Assistant, Twenty One Hundred Dollars.
Salary of Deputy Examiner, Eighteen Hundred Dollars.
Salary of Deputy Examiner, Eighteen Hundred Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Office and traveling expenses, Five Thousand Dollars.

Office of State Veterinarian.

Salary of Veterinarian, Three Thousand Dollars.
Salary of Deputy Veterinarian, Fifteen Hundred Dollars.
Salary of Clerk, Twelve Hundred Dollars.
Traveling and office expense Veterinarian, Three Thousand Dollars.
Traveling expense Deputy Veterinarian, Two Thousand Five Hundred Dollars.
Tuberculin Test Fund, Fifteen Thousand Dollars.

Bureau of Labor and Industry.

Salary of Commissioner Two Thousand Five Hundred Dollars.
Salary of Chief Clerk, Two Thousand One Hundred Dollars.
Salary of Stenographer, One Thousand Two Hundred Dollars.
Office and Traveling Expense, Two Thousand Dollars.

Bureau of Agriculture and Publicity.

Salary of Clerk, Twenty One Hundred Dollars.
Salary of Commissioner, Twenty Five Hundred Dollars.
Salary of Stenographer, Twelve Hundred Dollars.
Publicity purposes, including publishing and distributing Literature, advertising, office, traveling and other expenses, Five Thousand Dollars.

Office of Boiler Inspector.

Salary of Inspector, Twenty Five Hundred Dollars.
Salary of Assistant, Twenty One Hundred Dollars.
Salary of Second Assistant, Twenty One Hundred Dollars.
Salary of Third Assistant, Twenty One Hundred Dollars.
Salary of Clerk, Fifteen Hundred Dollars.
Office and traveling expense, Six Thousand Two Hundred Dollars.

Office of Mine Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.
Salary of Assistant, Two Thousand Four Hundred Dollars.
Office of Traveling Expense, Two Thousand One Hundred Dollars.

Office of Coal Mine Inspector.

Salary of Inspector, Two Thousand Five Hundred Dollars.
Salary of Deputy Inspector, Twenty One Hundred Dollars.

HeinOnline -- 1913 513 1913

Office and Traveling Expense Twenty Five Hundred Dollars.

Office of Adjutant General.

Salary of Adjutant General, Eighteen Hundred Dollars.

Salary of Stenographer, (From Bureau of Child and Animal Protection) Two Hundred Dollars.

Office and Traveling Expense Eight Hundred Dollars.

State Board of Education.

Traveling expense of members, Fifteen Hundred Dollars.

Office of Consolidated Boards.

Salary of Clerk, Twenty One Hundred Dollars.

Office expense, Three Hundred Dollars.

Extra Clerical Hire, Two Hundred Dollars.

Traveling expense members, Five Hundred Dollars.

State Law Library.

Salary of Librarian, Twenty Five Hundred Dollars.

Maintenance and expense Library, Five Hundred Dollars.

Purchase of Books and Book Cases, Three Thousand Dollars.

State Historical Library.

Salary of Librarian, Twenty One Hundred Dollars.

Salary First Assistant, Twelve Hundred Dollars.

Salary Second Assistant, Twelve Hundred Dollars.

Expense, including Purchase of Books, and Book Cases, Three Thousand Dollars.

State Board of Horticulture.

Salary of Secretary, One Thousand Dollars.

Expense, Thirteen Thousand Five Hundred Dollars.

Farmers Institute

Expense, Ten Thousand Dollars.

State Board of Examiners.

Salary of Clerk, Twenty One Hundred Dollars.

Salary of State Accountant, Twenty One Hundred Dollars.

Office Expense, Three Hundred Dollars.

Extra Clerical Hire, Two Hundred Dollars.

Contingent Expense, Five Thousand Dollars.

State Board of Health.

Salary of Secretary, Three Thousand Dollars.

Salary of Clerk, Twelve Hundred Dollars.

Salary of two Stenographers, each, Twelve Hundred Dollars, Two Thousand Four Hundred Dollars.

Expense, Three Thousand Dollars.

Expense Pure Food, Five Thousand Dollars; Chemists Four Thousand Dollars;

HeinOnline -- 1913 514 1913

State Board of Charities and Reform.

Expense, Five Hundred Fifty Dollars.

State Board of Examiners for Coal Mine Inspector.

Salary and expense, One Thousand Dollars.

Members of Examining Boards except Coal Mine Inspector, appointed on petition of State Coal Mine Inspector by the Judge of the District Court in any County where coal is mined; for compensation and expenses, Fifteen Hundred Dollars.

Bureau of Child and Animal Protection.

Salary of Secretary, Twenty Five Hundred Dollars.
Salary of First Deputy, Eighteen Hundred Dollars.
Salary of Second Deputy, Eighteen Hundred Dollars.
Salary of Third Deputy, Eighteen Hundred Dollars.
Salary of Fourth Deputy, Eighteen Hundred Dollars.
Salary of Fifth Deputy, Eighteen Hundred Dollars.
Salary of Sixth Deputy, Eighteen Hundred Dollars.
Salary of Stenographer, One Thousand Dollars.
Office and Traveling Expenses, Seven Thousand Two Hundred Dollars.

Montana State Fair.

Salary of Secretary, Three Thousand Dollars.

Office of State Engineer.

Salary of State Engineer, Three Thousand Dollars.
Field and Office Expense, Seven Hundred Fifty Dollars.
Measurements of Streams, Five Thousand Dollars.

Transportation of Prisoners.

Expense of Sheriffs in transporting prisoners to Penitentiary, Seven Thousand Five Hundred Dollars.

For Requisitions, Twenty Five Hundred Dollars.

For Rewards, Two Thousand Dollars.

For Public Printing, Twenty Thousand Dollars.

For Maintenance and care Capitol Building and Grounds, Twenty Five Thousand Dollars.

For Maintenance of National Guard, Ten Thousand Dollars.

State Entomologist.

Expense, Two Thousand Dollars.

For salary of Acting Governor, Seven Hundred Fifty Dollars.

For Sheep Inspection and Indemnity Fund, Ten Thousand Dollars.

For Stock Inspector and Detective Fund, Twenty Five Thousand Dollars.

For Live Stock Sanitary Board, Ten Thousand Dollars.

For Interest on Bounty Claims, Five Thousand Dollars.

HeinOnline -- 1913 515 1913

JUDICIAL DEPARTMENT.

Supreme Court.

Salary of Three Judges, Eighteen Thousand Dollars.

Compensation for Reporting Decisions, Forty Five Hundred Dollars.

Salary of Clerk Supreme Court, Two Thousand Five Hundred Dollars.

Salary Stenographer Supreme Court, Two Thousand Four Hundred Dollars.

Salary Marshal, Twelve Hundred Dollars.

Salary Attendant, Twelve Hundred Dollars.

Office and Other Expense Clerk Supreme Court, Seven Hundred Fifty Dollars.

Expense Court not otherwise provided for, Five Hundred Dollars.

Salaries District Judges, Ninety Two Thousand Dollars.

Expenses of Judges sitting in place of other Judges, and expense of Judges sitting in places not their residence within their Districts, Five Thousand Dollars.

For Printing Montana Reports, Eighteen Hundred Dollars.

For Salaries County Attorneys, Thirty Two Thousand Dollars.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

HOUSE BILL NO. 421.

"An Act Appropriating money for the Maintenance of the Several State Institutions of Montana for Two Years Commencing March 1st, 1913, and Ending February 28th, 1915."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are, hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1913, and ending February 28th, 1914.

State Institutions.

Maintenance Insane Asylum and care of Insane, Two Hundred Thirteen Thousand, Five Hundred Dollars.

Maintenance Hospital for Inebriates, Five Thousand Dollars.

Maintenance State Prison and care of Prisoners, One Hun-

HeinOnline -- 1913 516 1913

dred Thirty-seven Thousand, Five Hundred Dollars.

Guard hire and maintenance of prisoners outside of the State Prison, Ten Thousand Dollars.

Maintenance Tuberculosis Sanatorium, Thirty-five Thousand Dollars.

Maintenance Reform School, Thirty-three Thousand, Two Hundred Fifty Dollars.

Maintenance State University, One Hundred Fifty-seven Thousand, Six Hundred Sixty-five Dollars.

Maintenance Agricultural College, Seventy-three Thousand, Six Hundred Twenty-five Dollars.

Maintenance of School of Mines, Thirty-two Thousand, Five Hundred Dollars.

Maintenance and Repairs, State Normal School, Fifty-eight Thousand, Four Hundred Twenty-five Dollars.

Maintenance State Orphans' Home, Fifty-seven Thousand, Five Hundred Dollars.

Maintenance of School for Deaf, Blind and Feeble-minded, Eighty-three Thousand, Seven Hundred Fifty Dollars.

Maintenance of Soldiers' Home, Twenty-nine Thousand, Five Hundred Dollars.

For Sceptic Tank at the Soldiers' Home, Two Thousand Dollars.

Miscellaneous.

School for Deaf, Blind and Feeble-minded, for furnishing building for feeble minded, and necessary improvements, Thirty Thousand Dollars.

Agricultural Experiment Station, Maintenance and improvements, Experiment Station, Thirty-seven Thousand Dollars.

Painting buildings, Experiment Station, Two Thousand, Five Hundred Dollars.

Dry Farm Sub-Station, Fergus County, Maintenance, Four Thousand Dollars.

Horses, Machinery, etc., Fergus County Sub-Station, Two Thousand, Five Hundred Dollars.

Harticultural Sub-Station, Ravalli County, Maintenance, Two Thousand Dollars.

Huntley Sub-Station, Maintenance, One Thousand Dollars.

Demonstration Farms, Maintenance, Seventeen Thousand Dollars.

State Fair.

Maintenance State Fair. In addition to the money in the State Fair Fund, Twenty Thousand Dollars. Betterments and Improvements, Seventy-five Hundred Dollars.

Section 2. That the following sums, or so much thereof as

HeinOnline -- 1913 517 1913

may be necessary, be, and the same are, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for the period commencing March 1st, 1914, and ending February 28th, 1915.

State Institutions

Maintenance Insane Asylum and care of Insane, Two Hundred Thirteen Thousand, Five Hundred Dollars.

Maintenance Hospital for Inebriates, Five Thousand Dollars.

Maintenance State Prison and care of Prisoners, One Hundred Thirty-seven Thousand Five Hundred Dollars.

Maintenance Tuberculosis Sanitorium, Thirty-five Thousand Dollars.

Maintenance Reform School, Thirty-three Thousand, Two Hundred Fifty Dollars.

Maintenance State University, One Hundred Fifty Seven Thousand, Six Hundred Sixty-five Dollars.

Maintenance Agricultural College, Seventy-one Thousand Dollars.

Maintenance of School of Mines, Thirty-two Thousand, Five Hundred Dollars.

Maintenance and Repairs, State Normal School, Fifty-eight Thousand, Four Hundred Twenty-five Dollars.

Maintenance State Orphans' Home, Fifty-seven Thousand, Five Hundred Dollars.

Maintenance of School for Deaf, Blind and Feeble-minded, Eighty-three Thousand, Seven Hundred Fifty Dollars.

Maintenance of Soldiers' Home, Twenty-eight Thousand, Five Hundred Dollars.

MISCELLANEOUS.

Agricultural Experiment Station.

Maintenance and improvements, Experiment Station, Thirty-eight Thousand Dollars.

Dry Farm Sub-Station, Fergus County, Maintenance, Four Thousand Dollars.

Horticultural Sub-Station, Ravalli County, Maintenance, Two Thousand Dollars.

Huntley Sub-Station, Maintenance, One Thousand Dollars.

Demonstration Farms, Maintenance, Seventeen Thousand Dollars.

State Fair.

Maintenance State Fair, in addition to the money in the State Fair fund, Twenty Thousand Dollars. Betterments and Improvements, Seventy-five Hundred Dollars.

HeinOnline -- 1913 518 1913

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

HOUSE BILL NO. 4.

"An Act to appropriate money for the payment of Mileage and Per Diem of the Members of the Thirteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventy-Five Thousand ($75,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of the mileage and per diem of the members of the Thirteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved January 15, 1913.

HOUSE BILL NO. 5.

"An Act making an Appropriation of Money for the Incidental expenses of the Thirteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ten Thousand ($10,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the incidental expenses of the Thirteenth Legislative Assembly of the State of Montana.

Section 11. This Act shall be in force and effect from and after its passage and approval.

Approved January 31, 1913.

HOUSE BILL NO. 6.

"An Act to appropriate money for the payment of the Per Diem of the Officers and Attaches of the Thirteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-Five Thousand ($25,000.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the

HeinOnline -- 1913 519 1913

State Treasury, not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Thirteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in force and effect from and after its passage and approval.

Approved January 15, 1913.

HOUSE BILL NO. 54.

"An Act Appropriating Money for the payment of Per Diem and Mileage of Certain Persos on Account of Services as Presidential Electors for the Year 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Hundred Twenty-two and Twenty One Hundredths, ($222.20) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the claims of the following named persons, for the amounts set opposite their names on account of per diem and mileage as presidential electors for the year 1913, in accordance with the provisions of Section 635, Revised Codes of the State of Montana, 1907, to-wit:

George M. Houtz	$80.00
J. C. McCarthy	59.00
John Macginnis	24.50
A. S. Lohman	58.60

Section 2. That the State Auditor is hereby authorized to draw his warrants in favor of the persons named and for the amounts set opposite their names in Section 1 of this Act, and the State Treasurer is instructed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved February 6, 1913.

HOUSE BILL NO. 55.

An Act to appropriate the sum of One Thousand Dollars ($1000.00) or so much thereof as may be necessary, to pay the expenses of the Joint Committee of the Senate and House of Representatives, appointed to investigate railroad freight charges upon wheat, fruit and other farm products shipped from Montana points to Eastern Markets.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Dollars

HeinOnline -- 1913 520 1913

($1000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to pay the expenses of the Joint Committee consisting of Edwards, Abbott and Survant, members of the Senate, and Rhoades, Mains and Annin, members of the House of Representatives, appointed to investigate railroad freight rates upon wheat, fruit and other farm products from Montana points to Eastern Markets; such expenses consisting of salary and expenses of a Secretary, mileage and per diem of witnesses attending before said committee, additional expense for having stenographic report of testimony taken before said committee, and such other expenses as may be incurred by said committee under authority of the Joint Resolution creating said committee.

Section 2. That the State Auditor is hereby authorized and directed, upon presentation to him of properly verified claims duly approved by said committee, to issue warrants in favor of the person or persons entitled to receive mileage and per diem for attending meetings of said committee as a witness required to testify before said committee, or entitled to per diem and expenses as Secretary of said committee, or entitled to compensation for making stenographic reports of the tesmony taken before said committee, or entitled to compensation or reimbursement in any other manner under the authority of the Joint Resolution under which said committee was appointed; and the State Treasurer is hereby authorized and directed to pay any and all warrants so issued.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1913.

HOUSE BILL NO. 183.

"An Act appropriating money for the payment of certain deficiency claims for transporting prisoners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Eight Hundred Ninety One Dollars Seventy Five ($2891.75) Cents, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims of the following named persons for transporting prisoners to the State Prison:

HeinOnline -- 1913 521 1913

N. J. Traufler, Virginia City, Mont.	$ 220.00
Dennis Graham, Missoula, Mont.	24.45
Allen H. Sales, Bozeman, Montana.	34.20
W. H. O'Connell, Kalispell, Mont.	54.25
William T. Deadmond, Townsend, Mont.	6.20
John A. Collins, Great Falls, Mont.	29.25
K. McKenzie, Chouteau, Montana.	58.70
Martin L. Higgins, Helena, Montana.	15.05
Edward Martin, Lewistown, Montana.	37.50
C. E. Baker, Thompson,	5.65
J. K. O'Rourke, Butte, Montana,	9.70
George Bickle, Fort Benton, Mont.	215.45
C. W. Brenson, Red Lodge.	46.70
F. R. Baney, Libby,	103.20
F. S. Bachelder, Red Lodge,	42.50
Chas B. Doggett, Townsend,	14.25
D. V. Ervin, Dillon,	53.40
Rolla Duncan, Helena,	9.80
John A. Collins, Great Falls,	157.95
J. L. Fisco, Roundup,	26.20
M. L. Higgins, Helena,	48.00
A. J. Ingraham, Kalispell,	245.85
W. L. Kelly, Missoula,	32.05
John Killorn, Livingston,	129.15
Ben Levalley, Miles City,	108.55
H. E. Loranger, Havre,	48.20
Julius Listoe, Glasgow	68.70
Kl. McKenzie, Choteau,	172.20
J. S. Kimmel, Saco,	67.10
P. J. Manning, Boulder	13.15
N. G. McMullen, Forsyth	41.85
J. A. Neibaur, Havre,	132.55
J. C. Orrick, Billings	73.50
Jas. O'Keefe, Anaconda,	17.20
A. H. Sales, Bozeman,	332.70
I. L. Vanderpool, Thompson,	20.90
W. R. Woods, Lewistown,	175.70
	$2891.75

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the above named persons for the amounts set opposite their names, and the State Treasurer is authorized to pay the same.

HeinOnline -- 1913 522 1913

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1913.

HOUSE BILL NO. 184.

"An Act appropriating money from the Fish and Game Fund for the payment of a certain deficiency claim incurred for expense in office of State Game Warden.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Hundred Eight ($408.00) Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of the money in the Fish and Game Fund not otherwise appropriated for the purpose of paying the deficiency claim of the following named persons for furnishing supplies for the office of State Game Warden, to-wit:

Art Metal Construction Company, New York, $408.00.

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the above named persons for the amount set opposite their respective name, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1913.

HOUSE BILL NO. 185.

"An Act To Appropriate Money To Pay The Deficiency Claims For Maintenance of The Orphans' Home."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Seven Thousand One Hundred Forty Four Dollars Thirty Two ($7,144.32) cents, or as much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the General Fund not otherwise appropriated for the purpose of paying the deficiency claims for the maintenance of the State Orphans' Home, for the year ending March 1st, 1913, which deficiency claims were caused by the State Board of Examiners in paying for certain repairs and improvements of the State Orphans' Home.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation to and approval by the State Board of Examiners.

HeinOnline -- 1913 523 1913

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1913.

HOUSE BILL NO. 186.

"An Act Appropriating Money For The Payment Of Certain Deficiency Claims For Public Printing."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Fifty Two ($3052.75) Dollars and seventy five cents, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the following deficiency claims for public printing, to-wit:

Independent Publishing Company	$2869.75
Evening News. (Butte)	48.00
Republican Courier—Bozeman	67.50
Tribune Publishing Company—	67.50

and that such claims to be paid on presentation and approval of the State Board of Examiners.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the amounts set opposite their names, and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1913.

HOUSE BILL NO. 187.

"An Act appropriating money for the payment of Deficiency Claims for the Maintenance Appropriation for the School of the Deaf and Blind."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand ($1000.00) Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency claims for the maintenance of the School for the Deaf and Blind, for one year ending March 1st, 1913.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation and approval of the State Board of Examiners.

HeinOnline -- 1913 524 1913

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1913.

HOUSE BILL NO. 188.

"An Act Providing For The Payment Of Deficiency Claims For The Maintenance Of The State Capitol Building."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Thousand ($8000.00) Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the deficiency claims for the maintenance of the State Capitol Building for the year ending March 1st, 1913.

Section 2. Such deficiency claims shall be allowed from the appropriation herein made upon presentation and approval of the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1913.

HOUSE BILL NO. 189.

"An Act Appropriating Money For The Completion Of The Power And Heating Plant At The School For The Deaf And Blind."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty One Thousand Three Hundred Ninety One Dollars ($31,391.40) Forty Cents, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of completing the heating and power plant at the School for the Deaf and Blind.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1913.

HOUSE BILL NO. 190.

"An Act Appropriating Money for the Payment of Certain Deficiency Claims on Account of Requisitions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Hundred Four ($404.00)

HeinOnline -- 1913 525 1913

Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the deficiency claims of the following named persons on account of requisitions, to-wit:

J. K. O'Rourke	$306.20
O. A. Fallang	22.50
W. L. Kelly, Missoula	75.30
Total	$404.00

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer is authorized to pay the same.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1913.

HOUSE BILL NO. 191.

"An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Thousand Forty Eight ($8,048.00) Dollars, be, and the same is, hereby appropriated out of the State Bounty Fund, for the purpose of paying the following bounty claims which have been examined and approved by the State Board of Examiners as true and just claims against said fund, but not allowed by said Board because of technical defects therein:

Arnold, Ray, Roundup,	$ 12.00
Agostinelli, Nicola, Howard,	3.00
Abbott, John F., Gold Creek,	15.00
Anderson, August, Jordan,	24.00
Anderson, John, Ekalaka,	3.00
Ackrill, Fred, Whitepine,	3.00
Andres, Geo., Gold Creek,	3.00
Archdale, M. M., Knowlton,	15.00
Ansdal, Samuel, Big Timber,	9.00
American Nat'l Bank, Helena, Mont.	86.00
Archambault, J. A. Bozeman,	39.00
Blickendeferk, Chas., Belfry,	30.00
Beandit, Uldrick, Anaconda,	3.00

HeinOnline -- 1913 526 1913

Beach, A. W. Augusta,	18.00
Bower, Chester, Jefferson,	63.00
Babcock, Geo., Paxton,	6.00
Beacock, T. F., Billings,	3.00
Burton, John D., Larchwood,	3.00
Brush, Jos., Ismay,	3.00
Bauley, Geo. W., Lewistown,	15.00
Baker, H. G., Woodville,	3.00
Brink, August, Libby,	15.00
Baird, D. L., Zortman,	6.00
Blackwood, E. L. Salesville,	24.00
Bank of Twin Bridges, T. B'dges,	39.00
Benton State Bank, Fort Benton,	12.00
Brown, B. H., Seventy Nine,	171.00
Bernan, E. G., Antelope,	9.00
Boyd, Raymond, Melville,	3.00
Bosch, Julius, Chinook,	37.00
Bair, Elmer, Tee Dee,	24.00
Bair, Jas. A., White Sulphur Springs,	12.00
Bond, J. E., Limestone,	15.00
Bullard, Dan A., Lavina,	6.00
Botz, Jas., White Sulphur Springs,	6.00
Bugge, Samuel S., Princeton,	26.00
Bass, Lee, Stevensville,	18.00
Birum, Arthur A., Saco,	366.00
Bouchard, S. A., Superior,	3.00
Bouchard, S., Superior,	6.00
Bassett, F. G., Dillon,	48.00
Benson, C. P., Jordan,	33.00
Barnes, Lyman, Malta,	78.00
Clark, G. R., Harlowton,	18.00
Cameron, Adis, Cameron,	3.00
Cale, Fred, Miles City,	6.00
Choteau County Bank, Chester,	6.00
Claiborn, Dr. D., Big Timber,	12.00
Cole, Frank, Lismas,	36.00
Collins, A. J., Pineview,	90.00
Christoferson, Frank, Deer Lodge,	12.00
Carlson, Chas., Norris,	3.00
Coburn, Wallace, Helena,	40.00
Calder, Thos., Lavina,	99.00
Crandall, J. O., Rancher,	6.00
Cameron, J. J., Stevenson,	3.00
DeLange, F. G., Marmouth, N. Dak.	12.00
Donovan, John, Belfry,	10.00

HeinOnline -- 1913 527 1913

Davidson, R. A., Lavina,	15.00
Dubia, Wm. R., Sanders,	3.00
Daily, Ed., Shawmut,	9.00
Dulaney, A. L., Boulder,	9.00
Dunn, Lester, Melstone,	3.00
Dickie, F. W., Dewey,	36.00
Duke, W. L., Chinook,	6.00
Dean, R. W., Lavina,	21.00
Dubier, F. J., Thompson,	3.00
Duncan, Geo. W., Sheridan,	3.00
Evans, Clarence, French Gulch,	30.00
Evans, J. P. V., Livingston,	144.00
Eliel Bros., Dillon,	15.00
Engler, Eugene F., Clyde Park,	15.00
Engling, Frank, Wildheim,	6.00
Erickson, Richard, Forsyth,	15.00
Ferguson, Avery, Libby,	3.00
Fuller, John F. Lenia, Ida.	3.00
Fox, William, Camas,	45.00
Floyd, H. H., Alzada,	33.00
Ford, R. S., Great Falls,	18.00
Fisher, I. D., So. Butte,	12.00
Fisher, Willis M., Roundup,	15.00
Fisher, Henry, Inverness,	18.00
Fowler, A. J., Concord,	3.00
First State Bank, Savage,	27.00
Fraser, J. A., Terry,	3.00
Farnum, H. C., Miles City,	9.00
Futter, H. B., Clyde Park,	15.00
Fastveldt, Tom, Absarokee,	6.00
Fergus and Sons, Wm., Roy,	24.00
Graffeninera, Chas., De Ismay,	42.00
Graveley, J. A., Johnson,	12.00
Garcia, Tony, Bowler,	33.00
Gerber, Geo., Rockvale,	3.00
Grigg, Edwin, Stearns,	3.00
Gremm[illegible], Robert, Melstone,	15.00
Goff, A. F., Fromberg,	45.00
Goon, Bert, Great Falls,	76.00
Gnose, Chas., Anaconda,	9.00
Gerniger, Ad Paxton	3.00
George, Pendillo, Ismay,	3.00
Hinsdale Merc. Co., Hinsdale,	90.00
Harlem Merc. Co., Harlem,	747.00
Wellman Holbrook, Great Falls,	21.00

HeinOnline -- 1913 528 1913

Hirschberg Bros., Choteau,	153.00
Hazen, Frank J., Lewistown	126.00
Harrison, Dell, Big Timber	33.00
Holenberg, Carl E., Belt	15.00
Hundley, H. K., Craig	3.00
Hamilton, J. C., Townsend	3.00
Holloway, Thos., Florence	9.00
Haines, F. N., Kila	6.00
Hockin, L. C., Grant	24.00
Hanser, Mark, Cold Springs	30.00
Harmon, Frank, Zortman	24.00
Hoffman, L. T., Bloomfield	12.00
Helekson, Gustave, Plentywood	27.00
Hadzor, Rae T., Morris	3.00
Hopkins, Joe, Utica	27.00
Hanson, Albert, Billings	78.00
Holes, Chas., Malta	36.00
Hoffman, Rudolph, Salesville	9.00
Hartman, F. A., Thompson	12.00
Harvey, James, Glendive	12.00
Harris and Co., Dayton	27.00
Johnson, Chas. P., Glendive	6.00
Johnson, H. C., Stanford	3.00
Johnson, H. P., Paxton	45.00
Johnson, Alfred, Hall	3.00
Jones, R. P., Oswego	39.00
Jones, L., Melstone	3.00
Jackle, Mrs. Henry, Livingston	3.00
Jensen, P. C., Powderville	15.00
Knowlton, Wolfing, Ass'n, Knowlton	46.00
Kearns, J. P., Townsend	12.00
Kline, J. P., Kalispell	10.00
Kincaid, Albert, Red Lodge	15.00
Kellian, Henry, Boulder	12.00
Kennedy, C., Melstone	18.00
Kennedy, John, Lodge Grass	105.00
Kellogg, Hubert O., Big Timber	3.00
Kent, L. A., Vandalia	15.00
Kent, L. A., Winston	12.00
Knowlton, Ora, Blackleaf	15.00
Konkright, Bud, Rosebud	9.00
Kilroy, D. H., Chester	15.00
Kiltz, J. W., Milligan	9.00
Lawson, J. M., Helena	12.00
Lawrence, C. N., Ural	30.00

HeinOnline -- 1913 529 1913

Leopold, B., Deer Lodge	18.00
Long, Martin, Camas	6.00
Luzon, T., Scobey	18.00
Larson, A. T., Garrison	6.00
Layton, Henry, Chester	3.00
Lynn, Oscar, Woodworth	27.00
Libby, Richard, Wold	24.00
Billy Miles & Bro., Livingston	135.00
Marcum, J. E., Cascade	21.00
Mullendore, E. L., Luther	15.00
Morris, Geo. L., Zurich	12.00
Madison State Bank, Virginia City	3.00
Mouat, T. H., Hardin	21.00
Mead, J. E., Shelby	63.00
Manuel, Clarence, Flint	20.00
Murray, A. J., Roundup	24.00
Martin, Homer, Roundup	12.00
Morris, Ben, Big Timber	66.00
Mitchell, W. J., Culbertson	3.00
McInery, John, Deer Lodge	6.00
McKenzie, William O., McLeod	12.00
McNamara and Marlow, Big Sandy	30.00
McNett, A. G., Stevensville	3.00
McCullough, Earnest O., Plains	10.00
McRea, Kennieth, Lee	3.00
McHone, Virgi, Carlyle	33.00
McMahon, John, Red Stone	12.00
McDonald, J. C., Paxton	6.00
McLean, Duncan, Havre	42.00
McCulloch, Chas., Circle	60.00
Norris Mercantile Co., Norris	9.00
Nutt, R. L. Sidney	24.00
Neace, Merwin, Melstone	9.00
Normandy Peter, Deer Lodge	3.00
Ole, Gustave, Scobey	45.00
O'Rourke, J. K., Butte	12.00
Oltman, Henry, Grayling	9.00
Orgain, W. A. Co., Wibaux	3.00
Olcott, Edw., Red Lodge	3.00
Otis, R. M., Big Timber	3.00
Oswood, John E., Hill	87.00
Oberfell, Jno., Sidney	16.00
Price, T. H., Eureka	3.00
Purdy Trading Co., Geyser	3.00
Phipps, R. M., Antrim	10.00

HeinOnline -- 1913 530 1913

Petery, Mike, Fortine	6.00
Peden, C. L., Kalispell	12.00
Phillips, L. E., Chester	21.00
Ratelle, Frank, Boulder	6.00
Riley, T. J., Ismay	27.00
Rutter, Murrell, Monarch	3.00
Robinson, H. E., Preston	3.00
Ray, Jas., Ovando	3.00
Richards, W. S., Garneill,	12.00
Rasmussen, Axel E., Cut Bank	18.00
Richardson, H. H., Fromberg	12.00
Roark, W. F., Stevensville	3.00
Rehder, F. A., Fattig	24.00
Riba, A., Plentywood	33.00
Russel, Lewis, Beehive	24.00
Ruhl, J. P., Myers	21.00
Rose, F. L., Helena	3.00
Reid, Agnes R., Melrose	22.00
Stockmen's National Bank, Ft. Benton	591.00
Scheuber, F. A., Livingston	45.00
Slayton Merc. Co., Lavina	180.00
Survant, John, Hinsdale	111.00
Schroeder, Edw. W. Melstone	18.00
Stockard, H. C., St. Xavier	66.00
Spidel, Wm., Elso	39.00
Smith, G. M., Beehive	54.00
Sanford, E. N. Dennis	12.00
Security Bank, Plentywood	33.00
State Nat'l Bank, Miles City	45.00
Stergen, Louis, Irene	15.00
Standish, Walter, Bridger	75.00
Sletey, W. T., Gage	9.00
Satterwaite, L. S., Iron Mountain	12.00
Stack, B. E., Lewistown	63.00
Stoney, Chas., Plentywood	6.00
Stahl, Albert J., Leona	3.00
Schumanstrut, Jacob, Plentywood	3.00
Smith, John E., Sula	3.00
Stuart, Alex., Miner	30.00
Schlosser, Harry F., Knowlton	9.00
Schlag, John H., Redstone	33.00
Steel, Tom, Utica	12.00
Sincard, Sam'l, Newlon	30.00
Sickmiller, A. J., Melstone	3.00
Speck, Geo. H., Great Falls	3.00

HeinOnline -- 1913 531 1913

Stringer, Geo. M., Redstone	6.00
Shilling, T. M., Philipsburg	30.00
Styber, Louis, Bridger	3.00
Stilwell, R. B., Pompey's Pillar	6.00
Steffes, Wm., Plains	3.00
Stafford, A. H., Bozeman	24.00
Thompson Falls Merc. Co., Thompson	13.00
Topel, H. and Bro., Bozeman	93.00
Trainer, E. W., Whitehall	6.00
Thompson, C. L., Forsyth	12.00
Thomas, Joseph, Marion	39.00
Talbott, Jas. A., Col. Falls	153.00
Thompson, T. B., Stearns	6.00
Tribe, Kenneth, Savage	3.00
Thomas, H. W., Jordan	18.00
Tideman, Knudt, Pleasant Valley	40.00
Thorson, Edw., Monarch	3.00
Thompson, P. C., St. Ignatius	42.00
Thompson, Carl N., Roundup	47.00
Vogt, Geo. C., Sula	3.00
Wyckoff, Dixie A., Deer Lodge	15.00
Weinstein, H,. Philipsburg	6.00
Winner, P. W., Dillon	45.00
Williams, Wallace, Gildford	15.00
Wall, F. M., Roundup	21.00
Worden, Electa,. Missoula	6.00
Wigmore, Guy, Redstone	15.00
Wine, Geo., Roundup	3.00
Woodward, E. C., Cavern	3.00
Willis Willard, Plains	15.00
Watkins, A. J., Lyon	27.00
Wilson, W. E., Luther	15.00
Wilson, D. T., Trout Creek	3.00
Winchell, U. L., Sappington	3.00
Whalen, Patrick, White Pine	3.00
Webster, R. E., Kalispell	15.00
Walker and Andersch, Great Falls	3.00
Wigmore, J. C., Redstone	39.00
Westlake, W. E., Manhattan	3.00
Wagoner, Jack, Redstone	12.00
Wehinger, Mike, Miles City	3.00
Wood, J. J., Springdale	15.00
Weltz, Andrew, Garrison	9.00
Wylie, Clinton W., Morris	21.00
Wombles, R. L., Melstone	3.00

HeinOnline -- 1913 532 1913

Youngblutt, A. J., Savage	6.00
	$8048.00

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the amount set opposite their names, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1913.

HOUSE BILL NO. 193.

"An Act appropriating money for the payment of certain deficiency claims for expenses of Judges presiding at trials outside their own Districts, and also for the payment of certain deficiency claims for expenses incurred by District Judges on account of holding Court in Counties other than the Counties where they reside as provided by Chapter 91, Session Laws enacted by the 12th Legislative Assembly."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Four Thousand Seven Hundred Eighty Five Dollars Eighteen ($4785.18) cents, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of certain deficiency claims for expenses incurred by District Judges while presiding at trials outside of their own districts, and also for expenses incurred by Judges while holding court in counties other than counties where they reside as provided in Chapter 91, Session Laws of the 12th Legislative Assembly, to-wit:

Bank of Fergus County, Lewistown, Assignment of

Judge E. K. Cheadle	$ 246.35
Judge H. H. Ewing, Great Falls	65.92
Judge Lew L. Callaway, Virginia City	171.40
Judge J. E. Erickson, Kalispell	371.45
Judge Sydney Fox, Red Lodge	258.95
Judge Frank Henry, Livingston, Mont.	28.55
Judge J. B. Leslie, Great Falls	60.45
Judge R. Lee McCulloch, Hamilton	374.00
Judge Jas. F. O'Connor, Livingston	73.00
Judge J. B. Poindexter, Dillon	254.00
Judge Geo. Pierson, Billings	285.85
Judge W. R. C. Stewart, Bozeman	366.80

HeinOnline -- 1913 533 1913

Judge Sydney Sanner, Helena	134.00
Judge J. Miller Smith, Helena	147.15
Judge Frank N. Utter, Glasgow	591.75
Judge George B. Winston, Anaconda	283.10
Percy Williamson, Miles City, Assignment of Judge Sydney Sanner	354.00
Bank Fergus County, Lewistown, Assignment of Judge E. K. Cheadle	26.80
Judge J. M. Clements, Helena	12.35
Judge Lew L. Callaway, Virginia City	43.66
Judge J. E. Erickson, Kalispell	70.15
Judge H. H. Ewing, Great Falls	16.30
Judge Jas F. O'Connor, Livingston	93.10
Judge J. B. Poindexter	39.35
Judge Sydney Sanner	20.55
Judge J. Miller Smith	52.80
Judge W. R. C. Stewart	123.45
Judge Geo. B. Winston	219.95
	$4785.18

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1913.

HOUSE BILL NO. 204.

"An Act Appropriating Money For The Maintenance Of Livestock Sanitary Board To March 1st, 1913."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Sixteen Hundred ($1600.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the maintenance of the Livestock Sanitary Board to March 1st, 1913.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

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HOUSE BILL NO. 210.

"An Act appropriating money from the Bounty Fund for the payment of certain Bounty Claims, proof of which was lost."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety-nine ($99.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Bounty Fund not otherwise appropriated for the payment of the claims of the following named persons for bounties, proof of which was lost in transmission from the Bounty Inspector to the County Clerk:

Dick Snider, claim for two coyotes	$ 6.00
J. N. Dolson, claim for five "	15.00
Harry Haggerman, " for one "	3.00
E. J. Boos, " " seven "	21.00
John Webber, assigned to John Langdon claim for nine coyotes	27.00
L. L. Lincecimo	9.00
John Doney, claim for six coyotes	18.00
Total	99.00

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 211.

"An Act Providing For The Payment Of Deficiency Claims For The Maintenance Of The State Prison."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Ten Thousand ($10,000.00) Dollars, be, and the same is hereby appropriated out of any money in the General Fund not otherwise appropriated for the purpose of paying the deficiency claims for the maintenance of the State Prison, for the year ending March 1st, 1913.

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation to and approval by the State Board of Examiners.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 212.

"An Act appropriating Money for the Payment of Salaries of County Attorneys to March 1, 1913."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand ($1000.00) Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying salaries of County Attorneys to March 1. 1913.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 213.

"An Act Appropriating Money for the Restoration and Maintenance of Old Fort Benton."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand five hundred dollars ($1,500.00), or so much thereof as may be necessary, be, and the same is, hereby appropriated from any funds in the State Treasury not otherwise appropriated, for the purpose of aiding in the restoration and maintenance of Old Fort Benton, located in the town of Fort Benton, County of Choteau, State of Montana.

Section 2. It is hereby the duty of the Board of Trustees of Old Fort Benton to audit all bills for expenses incurred in the restoration and maintenance of said Old Fort Benton, and when drawn against the fund hereby appropriated, to certify the same to the State Auditor, who shall present the same to the State Board of Examiners, and when presented to said Board and approved, the Auditor shall draw a warrant on the State Treasury in favor of the person or persons entitled to said sums, payable out of the fund created by this appropriation.

Section 3. David G. Browne and Jere Sullivan, of Fort Benton, Montana, are hereby appointed Trustees under this Act.

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Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 214.

"An Act Appropriating Money For Payment of Deficiency Claims of Certain Persons For Per Diem and Expenses of the members of the State Board of Examiners For Coal Mine Inspectors."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Three Hundred Seventy Eight Dollars twenty ($378.20) cents, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the per diem and expenses of the following named persons while acting as members of the State Board of Examiners for coal mine inspectors, to-wit:

Richard Price, Red Lodge $127.30
Howard N. Stockett, Bear Creek 127.10
C. C. Anderson, Red Lodge 123.80

such claims to be allowed and paid on presentation and approval by the State Board of Examiners.

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 215.

"An Act to Appropriate Money For The Payment of Deficiency Claims For Improvements at the State Prison."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Five Thousand ($5000.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money out of the State Treasury not otherwise appropriated for the payment of certain deficiency claims for improvements made at the State Prison.

HeinOnline -- 1913 537 1913

Section 2. Such deficiency claims shall be allowed and paid from the appropriation herein made upon presentation to and approval by the State Board of Examiners.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 216.

"An Act Appropriating Money From The Fish And Game Fund Refunding Money Paid In Error Into The Treasury."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1.

That the sum of Thirty Five Dollars Eighty Five ($35.85) Cents, or so much thereof as may be necessary, be and the same is hereby appropriated out of the Fish and Game Fund to reimburse certain persons for money paid into the treasury in error, to-wit:

Granstrome, C. O., Red Lodge	$8.10	
Abbott, P. M., Three Forks	1.80	
Hall, Thos., Boulder	.90	
McVay, O. R., Roundup	.90	
Martin, T. J., Ekalaka	.90	
Moore, J. D., Joliet	3.45	
O'Dell, C. J., Manhattan	.90	
Toulmin, Geo. A., Plains	18.00	
Smith, W. Y., Bozeman	.90	
		35.85

such claims to be allowed and paid on presentation and approval by the State Board of Examiners.

Section 2.

The State Auditor is hereby authorized to draw warrants in favor of the above named persons for the amounts set opposite their respective names, and the State Treasurer to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HeinOnline -- 1913 538 1913

HOUSE BILL NO. 218.

"An Act Appropriating Money For The Payment of Certain Deficiency Claims Incurred By The State Board Of Health."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1.

That the sum of Five Hundred Twenty Five ($525.00) Dollars, or so much thereof as may be necessary, be and the same time is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of paying certain deficiency claims incurred by the State Board of Health in the employment of an Assistant to the State Chemist.

Section 2.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 224.

"An Act Appropriating Money for the payment of claims hereafter arising under the provisions of Chapter 129 of the Laws of the Twelfth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand (5,000.00) Dollars, or so much thereof, as may be necessary, be and the same is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated to pay to the City Treasurers of the Several cities of the State, the money due under the provisions of Chapter 129, of the Laws of the Twelfth Legislative Assembly of the State of Montana during the year 1913; that the sum of Five Thousand (5,000.00) Dollars or so much thereof, as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay to the city treasurers of the several cities of the State the money due under the provisions of Chapter 129, of the Laws of the Twelfth Legislative Assembly of the State of Montana, during the year 1914.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HeinOnline -- 1913 539 1913

HOUSE BILL NO. 225.

"An Act Appropriating Money For The Payment Of Amount Due From The State, Under And By Virtue of Chapter 129, Laws Of The Twelfth Legislative Assembly Of The State Of Montana."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Ten Thousand Dollars ($10,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated to pay to the City Treasurers of the several Cities of the State the money due, and by virtue of the provisions of Chapter 129, of the Laws of the Twelfth Legislative Assembly of the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 254.

"An Act appropriating the sum of Forty Eight Dollars Thirty ($48.30) Cents In Payment of a Deficiency Claim For Transporting of State Militia."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Forty Eight Dollars and Thirty ($48.30) cents, be, and the same is hereby appropriated out of any money in the State Treasury to pay the deficiency claim of the Northern Pacific Railway Co. for transportation furnished to the State Militia in 1908.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named Railway Company for the amount of Forty Eight Dollars Thirty ($48.30) Cents, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HeinOnline -- 1913 540 1913

HOUSE BILL NO. 255.

"An Act appropriating Fifty Dollars to the Thomas Cruse Savings Bank for refund on account of over payment to the State Examiners Fund in the year 1910."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Fifty ($50.00) Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the Thomas Cruse Savings Bank for refund on account of over payment to the State Examiners Fund in the year 1910.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named Bank for the amount of Fifty ($50.00) Dollars, and the State Treasurer is authorized to pay the same.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 256.

"An Act Appropriating Two Thousand Twenty four Dollars ($2024.15) fifteen cents for the Payment of the Deficiency Claim of Montana, Wyoming and Southern Railway Company."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Twenty-four Dollars ($2024.15) fifteen cents, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of deficiency claim of the Montana, Wyoming and Southern Railway Co.; said claim being for Judgment for costs entered in the District Court of the United States in and for the District of Montana in the case of the Montana, Wyoming and Southern Railway Co., vs. E. A. Morley, et. al.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the Montana, Wyoming and Southern Railway Company for the amount specified in Section 1, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HeinOnline -- 1913 541 1913

HOUSE BILL NO. 257.

"An Act Appropriating Twelve ($12.00) Dollars For The Payment Of Deficiency Claim Of Herman Hanson."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twelve Dollars ($12.00) be, and the same is hereby appropriated out of any money in the School Income Fund for the payment of the Deficiency Claim of Herman Hanson for services rendered in fighting forest fires.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person for above said sum and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 258.

"An Act Appropriating Money For The Deficiency Claims Of Certain Persons For Service Rendered And Supplies Furnished Which Claims Were Approved By State Board Of Examiners."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Two Hundred and Twenty Dollars, forty seven ($220.47) cents, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the deficiency claims of the following named persons, to-wit:

Missoulian Pub. Co.	$86.15	
John G. Clark	34.00	
W. W. Van Orsdel	5.50	
R. M. Bell Telephone Co.	31.05	
Western Union Tel. Co.	4.62	
David C. Cook Pub. Co.	4.10	
Hennessy Co.	35.55	
Arthur P. Curtin	19.50	
		220.47

such deficiency claims arising from the fact that they were presented after the appropriation therefor had lapsed.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for above

HeinOnline -- 1913 542 1913

said sum and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 259.

"An Act Appropriating Twenty Dollars $20.00—For the Relief of J. Eeraerts For a Cow Killed By the State Veterinarian In Error."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of Twenty ($20.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Stock Indemnity Fund not otherwise appropriated for the purpose of paying the claim of J. Eeraerts for a cow killed by the State Veterinarian in error.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person for the amount of Twenty ($20.00) dollars, and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 286.

"An Act to appropriate money for the payment of the claim of J. C. Lowney for service rendered as a member of the Commission to draft the Workingmen's Compensation Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and hereby is appropriated out of any money in the general fund not otherwise appropriated, the sum of Fifty Nine ($59.00) Dollars for the payment of the claim of J. C. Lowney for services rendered as a member of the commission appointed by Governor Edwin L. Norris to dratt a Workingmen's Compensation Act.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said J. C. Lowney for the sum of Fifty Nine ($59.00) Dollars and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HeinOnline -- 1913 543 1913

HOUSE BILL NO. 287.

"An Act appropriating money to pay Robert F. Rose, the Official Stenographer of the House of Representatives of the Thirteenth Legislative Assembly of the State of Montana, for reporting the proceedings of the House of Representatives during the said Session."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Two Hundred ($1,200) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay Robert F. Rose as official stenographer of the House of Representatives of the Thirteenth Legislative Assembly of the State of Montana, for services performed in reporting the legislative proceedings of the House of Representatives during the said Thirteenth Legislative Assembly session.

Section 2. That the State Auditor is hereby authorized and directed to draw his warrant in favor of the said Robert F. Rose for the sum of One Thousand Two Hundred ($1,200) Dollars, or so much thereof as may be necessary, at the rate of Twenty ($20.00) Dollars a day, on each pay day of the House of Representatives.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 7, 1913.

HOUSE BILL NO. 290.

"An Act to Appropriate Money from The Bounty Fund For The Payment of Certain Bounty Claims."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of One Hundred Eighty Four Dollars ($184.00) or so much thereof as may be necessary, be and the same is hereby appropriated from any money in the Bounty Fund not otherwise appropriated for the payment of the following Bounty Claims, proof of the validity of said claims having been transmitted by the State Board of Examiners, to-wit:

C. H. Emerson (assignee of claims of Artie Gundlach)	$15.00
S. Fred Cale, (assignee of the claim of Paul Warren) and	$21.00
claim of O. C. Haynes)	$115.00
First National Bank, Glasgow,	$33.00
	$184.00

HeinOnline -- 1913 544 1913

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the persons named in Section One of this Act for the amount set opposite their respective names, and the State Treasurer is hereby authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 317.

"An Act to Appropriate Money for the Construction and Furnishing of a Hospital and other Buildings and Improvements and Repair of Old Buildings and Improvements at the State Orphans' Home at Twin Bridges, Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-two Thousand Dollars ($32,000.00) or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the construction and furnishing of a hospital and other buildings and improvements, and repair of old buildings and improvements at the State Orphans' home at Twin Bridges, Montana, and that any balance of said appropriation not so used shall revert to the general fund.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1913.

HOUSE BILL NO. 320.

"An Act to appropriate money to pay the Bounty Claim of K. W. Hale."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-six ($36.00) Dollars be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying a bounty claim of K. W. Hale on twelve (12) Coyotes actually killed by said Hale.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 10, 1913.

HeinOnline -- 1913 545 1913

HOUSE BILL NO. 323.

"An Act appropriating Money for the Salary and expenses of the State Traveling Parole Commissioner."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Two Hundred ($3,000.00) Dollars, or as much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys not otherwise appropriated out of the General Fund, to pay the expenses and salary of the State Traveling Parole Commissioner for the year 1913; and Three Thousand Two Hundred ($3,200.00) Dollars, or so much thereof as may be necessary to pay the expenses and salary of the said Commissioner for the year 1914.

Section 2. The State Auditor is hereby authorized and directed to draw warrants in favor of the officer so named in Section 1 of this Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 10, 1913.

HOUSE BILL NO. 350.

"An Act Appropriating Money from the Fish and Game Fund for the Payment of the Salary of the Clerk of the Montana State Fish Commission as Provided in Chapter 106 Laws of the Twelfth Legislative Session."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twelve Hundred ($1200.00) Dollars, be, and the same is, hereby appropriated for the year ending March 1, 1914, out of any money in the Fish and Game Fund not otherwise appropriated, for the payment of the salary of Mrs. Charles B. Peyton, clerk of the Montana State Fish Commission, as appointed by virtue of Chapter 106 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, said sum to be paid in monthly installments.

Section 2. That the sum of Twelve Hundred ($1200.00) Dollars, be, and the same is, hereby appropriated for the year ending March 1, 1915, out of any money in the Fish and Game Fund not otherwise appropriated, for the payment of the salary of the person mentioned in Section 1 of this Act, said sum to be paid in equal monthly installments.

HeinOnline -- 1913 546 1913

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 360.

"An Act appropriating money to purchase additional land for the State Orphans' Home at Twin Bridges, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ten Thousand ($10,000.00) Dollars, or as much thereof as may be necessary be, and the same is, hereby appropriated out of moneys in the State Treasury not otherwise appropriated, for the purchase of additional land for the State Orphans' Home, at Twin Bridges, Montana.

Section 2. Said appropriation shall be expended under the direction of and said land shall be purchased by the State Board of Examiners and the Executive Board of said State Orphans' Home.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 377.

An Act to pay certain Employees of the Senate and the House As Provided in Sections 76 and 81 of the Revised Codes of Montana of 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred ($100) Dollars be, and the same is hereby appropriated for the payment of the following named persons for services performed in accordance with Sections 76 and 81 of the Revised Codes of Montana of 1907, to-wit:

G. G. Watt, Secretary of the Senate $50.00
Chas. Z. Pond, Chief Clerk of the House $50.00

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named persons for the sums mentioned in Section 1 and the State Treasurer is authorized to pay the same.

HeinOnline -- 1913 547 1913

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

HOUSE BILL NO. 403.

"An Act Appropriating Money From the License Bounty Fund For The Payment Of the Claim of George H. Scott."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty Dollars Fifty Cents ($20.50) be, and the same is, hereby appropriated out of any money in the License Bounty Fund for the payment of the claim of George H. Scott, for services rendered as County Clerk of Silver Bow County, in accordance with Section 1906 of the Revised Codes of Montana of 1907.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person for the amount of Twenty Dollars Fifty Cents ($20.50), and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HOUSE BILL NO. 410.

"An Act appropriating money for the payment of the deficiency claims of J. K. O'Rourke, for expenses incurred in transporting prisoners and sending requisitions."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred Fifty Five Dollars Fifty cents ($655.50), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for payment of deficiency claims of J. K. O'Rourke, for expenses incurred in transporting prisoners and in sending requisitions.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the above named person, and the State Treasurer to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1913.

HeinOnline -- 1913 548 1913

HOUSE BILL NO. 416.

"An Act to appropriate money for the payment of the Employees and Attaches of the Thirteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty Six Thousand $26,000.00), Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the Employees and Attaches of the Thirteenth Legislative Assembly of the State of Montana.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1913.

HOUSE BILL NO. 419.

"An Act appropriating money for the payment of the deficiency claim of Link & Haire for architects fees in connection with the construction of the gymnasum building at the State School of Mines."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. There is appropriated out of the general treasury the sum of Two Hundred Ten and 93-100ths ($210.93) Dollars, or so much thereof as may be necessary to pay the claim of Link and Haire against the State of Montana approved as a deficiency claim, which claim is for the balance due for services as architects in the construction of the gymnasium building at the State School of Mines.

Section 2. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 10, 1913.

HOUSE BILL NO. 423.

An Act to appropriate money to pay the Reading Clerk of the House of Representatives of the Thirteenth Legislative Assembly of the State of Montana, for services rendered the House of Representatives during the said Session.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of One Hundred and Eighty ($180) Dollars is hereby appropriated to pay the Reading Clerk of the House of Representatives of the Thirteenth Legis-

HeinOnline -- 1913 549 1913

lative Assembly of the State of Montana, for services performed as Reading Clerk of the House of Representatives during said Thirteenth Legislative Assembly Session.

Section 2. That the state Auditor is hereby authorized and directed to draw his warrant in favor of the said Reading Clerk for the sum of One Hundred and Eighty ($180) Dollars.

Section 3. This Act shall be in effect from and after its passage and approval.

Approved March 17, 1913.

HOUSE BILL NO. 428.

"An Act To Appropriate Money For The Payment Of The Salary And Expenses Of The State Tax Commissioner And The Salary Of The Secretary Of The State Tax Commissioner."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for the period ending February, 28, 1914.

Office of State Tax Commissioner.

Salary of State Tax Commisioner, Thirty Six Hundred Dollars.

Office and Traveling Expenses, Two Thousand Dollars.

Salary of Secretary, Eighteen Hundred Dollars.

Section 2. That the following sums, or so much as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for the period ending February, 28, 1915.

Office of State Tax Commissioner.

Salary of State Tax Commissioner, Thirty Six Hundred Dollars.

Office and Traveling Expenses, Two Thousand Dollars.

Salary of Secretary, Eighteen Hundred Dollars.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1913.

HeinOnline -- 1913 550 1913

SENATE BILL NO. 41.

"An Act to appropriate money for the maintenance, improvement and operation of the fish hatcheries of the State of Montana, And for the purchase of a fish car for the use of said hatcheries."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be, and hereby is, appropriated out of any moneys in the State Fish and Game Fund not otherwise appropriated, the sum of eleven thousand ($11,000.00) dollars for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana., during the year 1913; and eleven thousand ($11,000.00) dollars out of the same fund for the maintenance and operation of said hatchery during the year 1914, or so much thereof as may be necessary each year for the successful operation of said hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1915.

Section 2. That there be and hereby is appropriated out of any moneys in the State Treasury to the credit of the State Fish and Game Fund, not otherwise appropriated, the sum of eleven thousand ($11,000.00) dollars for the maintenance and operation of the State Fish Hatchery at Somers, in Flathead County, Montana during the year 1913; and eleven thousand ($11,000.00) dollars out of the same fund for the maintenance and operation of said hatchery during the year 1914, or so much thereof each year as may be necessary for the successful operation of said hatchery during the time mentioned. Said sum to be available at any time up to and including the first day of March, 1915.

Section 3. That there be and hereby is appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of Five Thousand Dollars ($5,000.00), or so much thereof as may be necessary, which shall be available for and be used in improvements contemplated, and to be made at the Anaconda Hatchery. The said sum to be expended by and under the order and direction of the Montana State Fish Commission.

Section 4. That there be and hereby is appropriated out of any moneys in the State Fish and Game Fund, not otherwise appropriated, the sum of six thousand ($6,000.00) dollars, or so much thereof as may be necessary for the purpose of purchasing a fish car for the use of the State of Montana in distributing fish from the hatcheries of the State; said sum

HeinOnline -- 1913 551 1913

to be expended by the Montana State Fish Commission in the purchase of a fish car for the use of said State.

Section 5. The appropriations hereby made for the maintenance of said hatcheries and for the improvements thereof shall be available for the use, in such maintenance or improvements, at either of said hatcheries, and such funds may be transferred to or used in the maintenance of said hatcheries at the discretion of the State Fish Commission.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1913.

SENATE BILL NO. 126.

"An Act to appropriate money for the construction of a building to be used for Horticultural exhibits at the State Fair and to provide for a permanent plan for the development of said Fair."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1.—There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Twenty-five Thousand ($25,000.00) Dollars, said sum to be expended under the direction of the Board of Directors of the State Fair in the construction of a building to be used for Horticultural Exhibits.

Section 2.—Said building shall be of fireproof construction and shall be located upon the grounds of the State Fair so as to conform to a general plan of permanent devolpment which said plan shall be provided by the Board of Directors of the State Fair and the cost of preparing said plan shall be paid for out of the funds appropriated by this Act.

Section 3.—All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4.—This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1913.

HeinOnline -- 1913 552 1913

SENATE BILL NO. 129.

"An Act authorizing the payment of the Bounty Claim of S. C. Leedy, and appropriating money from the State Bounty fund for the payment thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventy-two dollars ($72.00) be, and the same hereby is appropriated out of the State Bounty fund for the purpose of paying the following bounty claim, which has been examined by the State Board of Examiners, but not allowed by said Board because of technical defects therein;

S. C. Leedy $72.00

Section 2. The State Auditor is hereby authoried and directed to draw his warrant in favor of the person named and for the amount set opposite his name, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 18, 1913.

SENATE BILL NO. 167.

"An Act to Appropriate Money for the payment of the claim of Chas. Munckton for the care and keep of Lee Rhine, a ward of the State.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of One Hundred and Thirty-eight and 12-100 Dollars ($138.12) to pay the claim of Chas. Munckton for the care and keep of Lee Rhine, a ward of the state. And the State Auditor is hereby authorized to draw his warrant for said sum in favor of Chas. Munckton, and the State Treasurer is directed to pay the same.

Section 2. All Acts and parts of Acts in conflict with this act are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 14, 1913.

HeinOnline -- 1913 553 1913

SENATE BILL NO. 174.

"An Act to appropriate money to pay the per diem and mileage of witnesses called by the joint Committee appointed to investigate the complaints of settlers on public lands, and to pay the expense incurred by the joint committee appointed to investigate charges made against the management of the State Reform School."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the respective sums set opposite names of the following persons:—

G. H. Beckwith, St. Ignatius	$44.40
Jas. A. Metcalf, Glendive	12.00
Stanley Scearce, Ronan	47.80
E. H. Rathbone, "	47.80
Ralph M. Hattersley, Conrad	42.60
John W. Shields, "	67.60
E. L. Barnes, Great Falls	27.80
S. A. Busey, Conrad	45.80
J. A. Whetstone, Brady, (154 miles ea. way)	42.80
R. P. Jackson, Great Falls, 99 miles	27.80
Paul A. Bickel	$455.80
C. M. Mausur, Polson	50.40
George Rhode, Ridgelawn	78.00
Mabel Morrison, Kalispell	127.50
Benj. H. Brady, Helena	80.00
John Russell, Miles City	3.00
Dr. W. B. Wendell, " "	3.00
Dr. W. H. Buskirk, " "	3.00
R. A. Burr, Billings	201.50
I. A. Leighton, Boulder	152.00
D. S. McKenzie, Havre	120.00
Jos. Pope, Laurel	120.00
Geo. W. Clay, Malta	120.00
E. A. Sweet, Dixon	120.00

Section 11. The State Auditor is hereby authorized and directed to draw warrants in favor of the persons named in Section 1 of this Act, for the respective amounts set opposite said names, and the State Treasurer is directed to pay the same.

Section III. All Acts and parts of acts in conflict with this act are hereby repealed.

HeinOnline -- 1913 554 1913

Section IV. This Act shall take effect from and after its passage and approval.

Approved March 21, 1913.

SENATE BILL NO. 175.

"An Act to appropriate money to cover deficiency in an appropriation made by House Bill ..o. 401, An Act approved March 13, 1911, Session Laws of 1911, for the purchase of Land for State Fair."

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Eleven Thousand Six Hundred Sixty-eight Dollars and Thirty-one cents ($11,668.31) to reimburse the Daly Bank and Trust Company, Union Bank and Trust Company, American National Bank, and National Bank of Montana, for moneys advanced to supply deficiency in an appropriation made by an Act approved March 13, 1911, Session Laws of 1911, for the purchase of land for State Fair.

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the above named banks for the amounts herein appropriated and the State Treasurer is authorized to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1913.

SENATE JOINT RESOLUTION NO. 1.

A Resolution providing for the investigation of Railroad Freight rates on Wheat, fruit and Farm product Shipments to Eastern Markets

Whereas, the development of the agricultural resources of this State depend upon the existence of ample available Markets, and

Whereas, it is necessary, in order to maintain the present growth in the wheat raising, fruit and farm producing industries in this State, that the freight rates from Montana points to Eastern Markets be as low as possible in order to enable our Wheat, fruit and farm producers to find a profitable market for the excess of wheat, fruit and farm products produced over the amount taken by our local Markets; and

Whereas, the rates now in force over the various lines of

HeinOnline -- 1913 555 1913

railroad connecting the wheat growing, fruit and farm producing areas of Montana with the Eastern Markets are such as to render barely profitable the raising of wheat, fruit and farm products at the present prices, Now Therefore,

Be it resolved by the Senate of the Thirteenth Legislative Assembly of Montana, the House of Representatives of said Assembly concurring, that there be and is hereby created a committee of six members of said Assembly, three members to be appointed from the Senate by the President thereof, and three members to be appointed from the House of Representatives by the Speaker of the House, with power to investigate all matters pertaining to such freight rates and if the results of such investigation seem to said committee to warrant, to direct the Board of Railroad Commissioners of the State of Montana to make complaint or complaints to the United States Interstate Commerce Commission; and it is hereby made the duty of said Board of Railroad Commissioners of the State of Montana and of the Attorney General of said State, in case said Committee shall so direct the filing of such complaint or complaints to file and prosecute the same on behalf of the State of Montana; all with a view of obtaining as low rates as possible upon wheat, fruit and farm products from Montana points to Eastern Markets.

For the purpose of carrying out its duties said Committee is authorized to issue subpoenas under the hand of its Chairman, for the purpose of compelling the attendance of witnesses before it and may hold hearings at such times and places as to it may seem proper or advisable. All witnesses subpoenaed by said Committee shall be subject to all laws of the State of Montana relating to witnesses in Courts of record and shall receive the same per diem and mileage as such witnesses.

Said committee is also authorized to employ a Secretary at a salary of Five Dollars ($5.00) per diem and necessary expenses while actually engaged in his duties as such Secretary and to expend such additional amounts as may be necessary in carrying out its work, for taking Stenographic reports of the testimony taken, mileage and per diem of Witnesses etc, provided however that Said Committee shall not expend more than One Thousand Dollars ($1000.00) for all purposes,

And be it further resolved by the Senate of said Assembly, the House of Representatives concurring, that said Committee shall report its findings to the present Session of said Legislative Assembly within thirty (30) days after the adoption of said Joint Resolution.

Approved January 23rd, 1913.

HeinOnline -- 1913 556 1913

SENATE JOINT RESOLUTION NO. 3.

A Joint Resolution extending the thanks of the Legislative Assembly of the State of Montana, to Charles M. Russell, E. S. Paxson and Ralph De Camp.

Whereas, The Capitol Commission having charge of the construction of the additions to the State Capitol, deemed it fitting and appropriate to entrust the execution of the mural paintings that should adorn the walls of these additions, exclusively to Montana artists:

And Whereas, pursuant to this decision, the Capitol Commission procured the services of Charles M. Russell, of Great Falls, E. S. Paxson, of Missoula, and Ralph De Camp, of Helena, three notable artists of our State, all of whom, regardless of the small compensation received, have adorned these walls with masterpieces, that will be enduring monuments to themselves, and a lasting source of pride for the people of this commonwealth:

Therefore be it resolved, by the Legislative Assembly of the State of Montana, that there be, and there is, hereby extended to Charles M. Russell, E. S. Paxson, and Ralph De Camp, a vote of thanks in recognition of the faithful and masterful manner in which they have discharged their duties to the State of Montana.

And be it further resolved, that there shall be furnished to each of them a suitable engrossed copy of this resolution.

Approved March 18, 1913.

SENATE JOINT MEMORIAL NO. 3.

Introduced by Muffly.

Petition to Congress to enact such legislation as will be necessary for the construction of a system of paved public highways connecting the Capitol of the several states of the Union with the National Capitol and with each other, and also with the principal National Parks.

To the Honorable Senate and House of Representatives in Congress of the United States Assembled:

Whereas, a uniform system of National Public Highways or roads, connecting the Capitols of the several States of the Union with the National Capitol at Washington, and with each other, and also, with the principal National Parks will vastly promote commerce between the several States and reduce the cost of transportation thereof; facilitate and cheapen travel and social intercourse between the people, discourage sectionalism,

HeinOnline -- 1913 557 1913

and render the entire people more cosmopolitan intellectually, morally and politically; aid the farmer in marketing his produce, and make farm life more agreeable, attractive and profitable; induce Americans to see and know America; beautify all parts of the Union; intensify industrial activities; encourage good road building throughout the continent, and bring the entire people countless blessings, conveniences and joys known only to a highly developed country, and

Whereas, to secure uniformity, thoroughness and economy in the construction, fitness and adaptability of grades, and avoidance of such local controversies in the selection of routes as would probably delay, if not defeat, the entire enterprise, and the cost of such a system of Highways being beyond the probable financial resources of the several States, it would be necessary that it be constructed at the expense, and under the supervision of the General Government.

Now, Therefore, Be It Resolved, the House Concurring, we, the Thirteenth Legislative Assembly of the State of Montana, do hereby petition and earnestly pray the Honorable Congress of the United States for the passage of legislation for the location and construction, under the supervision and by the General Government, of a system of National Highways or roads, which shall connect the Capitols of the Several States of the Union with the National Capitol at Washington, and with each other, and also, with the principal National Parks; that such National Highways be constructed on firm concrete bases, with hard surfaces, and as nearly dustless as possible; that they be located solely with regard to the greatest public good and feasibility of route and grades, and

Be It Further Resolved, that Congress provide in such legislation means of raising the necessary money for the location and construction of such National Highway by the restoration of the Internal Revenue Tax of 1879 on tobacco, or in some other manner, as to it shall seem meet and proper, and that the location and construction of such system of highways be commenced as means can be provided, throughout the country generally, without giving priority to any sections or locations, and

It Is Further Resolved, that a copy of this Memorial by forwarded by the Secretary of State of the State of Montana to the Senate of the United States, and that copies of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States, and

Be It Further Resolved that copies thereof be trans-

HeinOnline -- 1913 558 1913

mitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 25, 1913.

SENATE JOINT MEMORIAL NO. 4.

Petition to Congress to enact such legislation as will be necessary for the establishment and the maintenance of an Agricultural Building for the display of Agricultural Products.

To the Honorable Senate and House of Representatives in Congress of the United States Assembled:—

Whereas, The State of Montana desires to stimulate interest in and direct attention to agricultural pursuits, and we believe that an attractive display of agricultural products will render good results in the matter of the settlement and cultivation of unoccupied lands in Montana and other States,

Therefore be it Resolved: That we, the Thirteenth Legislative Assembly of the State of Montana, the Senate and House concurring, do hereby petition the Congress of the United States for the passage of legislation providing for the establishment and maintenance, under the supervision and regulation of the Department of Agriculture of the United States, of an Agricultural Building in the City of Washington, D. C., for the permanent and conspicuous display of agricultural products of every kind and description from every State and Territory of the United States. That said building be kept open during business hours of all legal days and that an examination and inspection of said products be permitted by visitors from all parts of the world.

Resolved, Further, That a copy of this Memorial be forwarded by the Secretary of State to the Honorable Secretary of Agriculture of the United States, and to our Senators and Representatives in Congress, with the request that they use every effort within their power to secure the enactment of such legislation as is necessary to carry out the purposes herein expressed.

Approved March 14, 1913.

HeinOnline -- 1913 559 1913

SENATE JOINT MEMORIAL NO. 6.

To The Honorable Senate and House of Representatives in the Congress of the United States:

Your memorialists, the Thirteenth Legislative Assembly of the State of Montana, do hereby submit for your consideration the following memorial:

Whereas, There is now pending in the Congress of the United States a Bill for an Act providing, among other things, that if the State of Montana shall agree to establish and maintain an agricultural, manual training, or other educational or public institution, upon a section of land upon which the buildings at Fort Assinniboine are located, the President is authorized to grant the lands and buildings to the state on payment of two dollars and fifty cents per acre therefor;

And Whereas, There is now pending before the Thirteenth Legislative Assembly of the State of Montana a Bill for an Act entitled, "An Act to establish and locate the Northern Montana Agricultural and Manual Training School, and an Agricultural Experimental Sub-Station in connection therewith; appropriating money to pay the United States government for the land upon which the same is to be situated, and to start and initiate said institution," which is to be located at Fort Assinniboine aforesaid;

And Whereas, In the judgment of your memorialists, one section of arid land is not a sufficient area to be devoted to the purpose aforesaid, and with two thousand acres the efficiency of said School would be greatly increased, and it would soon become almost, if not intirely, self-supporting.

Therefore, We respectfully request your honorable body to increase the area of land to be devoted to the purposes aforesaid from one section to two thousand acres to be granted to the State of Montana under the same conditions and for the same consideration per acre as in said Bill already provided.

This memorial shall be in force from and after its adoption by both houses and approval by the Governor.

Approved March 14, 1913.

SENATE JOINT MEMORIAL NO. 8.

A Memorial to the Congress of the United States, Praying that the Abandoned Military Post of Fort William Henry Harrison be Ceded to the State of Montana.

To the Honorable Senate and House of Representatives, of the Congress of the United States:

HeinOnline -- 1913 560 1913

Your Memorialists, The Senators and Representatives of the Thirteenth Legislative Assembly of the State of Montana, respectfully represent to your Honorable Bodies the following facts:

First,—That the Military Post heretofore known as Fort William Henry Harrison, situated near the City of Helena, County of Lewis and Clark, State of Montana, has been abandoned for military purposes, and the reservation turned over to the control of the Secretary of the Interior, subject to the direction of the Congress of the United States.

Second,—That the land upon which said military post is situated, together with the water rights appertaining thereto, was purchased by citizens of the state of Montana, at great expense and donated to the United States Government upon the express understanding that the same should be used as a site for the maintenance of a military post, and the abandonment of said post will be an injustice to the citizens who donated said land and water rights.

Third,—That the abandoned Post consists of twelve hundred acres of land, with appurtenances, water rights and numerous buildings of recent construction, in good repair; that if said buildings are permitted to remain unoccupied and unused for any considerable time, they will become in a condition of disrepair, and in time be rendered valueless by reason of such non-use.

Fourth,—That the State of Montana has numerous state institutions, some of which are now filled to their utmost capacity; and that the buildings situated upon said reservation could be conveniently and profitably used by the State for some of its State Institutions.

Wherefore, Your Memorialists respectfully ask your Honorable Bodies, by appropriate legislative action, to cause to be transferred and conveyed to the State of Montana, the said real estate, water rights and buildings constituting said abandoned Post;

And your Memorialists will ever pray.

Approved March 14, 1913.

HOUSE JOINT RESOLUTION NO. 1.

Whereas it is alleged that in the matter of certain Carey lands in Montana, released to the government, discrimination has been exercised in favor of land speculators and against actual settlers.

And Whereas, settlers under certain government irrigation

HeinOnline -- 1913 561 1913

projects complain of gross mismanagement, extravagance and unreasonable delay in the work on said projects.

Now Therefore Be it Resolved, that a committee of three members of the House be appointed to act with a like committee of the Senate to investigate said matters, to the end that the legislative assembly may be advised what relief, if any, can be given to said settlers.

And Be It Further Resolved that said joint committee be and is hereby authorized to employ the necessary assistance in making said investigation and is authorized to subpoena witnesses and require the production of papers, books and records pertaining to said investigation, all of the evidence together with the findings of the committee to be reported to the legislative assembly wihin 30 days.

Approved February 7th, 1913.

HOUSE JOINT RESOLUTION NO. 2.

A joint resolution ratifying an amendment to the constitution providing that senators shall be elected by the people of the several states.

Whereas, both Houses of the Sixty-second Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

Joint Resolution.

Proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several states.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein). That in lieu of the first paragraph of Section three of Article 1 of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the States: "The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

HeinOnline -- 1913 562 1913

"When vacancies happen in the representation of any State in the Senate, the executive authority of each State shall issue writs of election to fill such vacancies; Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to effect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Therefore, Be It Resolved by the Senate and House of Representatives of the State of Montana, That the said proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the Legislative Assembly of the State of Montana.

And Further, Be It Resolved, That certified copies of this Joint Resolution be forwarded by the Governor of this State to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

Approved February 7, 1913.

HOUSE JOINT RESOLUTION NO. 3.

Whereas the Librarian of the State Law Library has no assistant or help in the Library;

And Whereas it is impossible for him to meet promptly and efficiently the demands made upon him for books, information and assistance during the sitting of the Legislative Assembly;

And Whereas it is imperatively necessary that the members of each branch of the Legislative Assembly be furnished promptly and without unnecessary delay with such books, references and information as the Library affords;

Now, Therefore, Be It Resolved by the House of Representatives, and the Senate concurring, that the State Law Librarian be authorized empowered and directed to engage and employ some suitable person as his assistant in the Library during the sitting of the present session of the Legislative Assembly, and that said assistant be paid a compensation not exceeding one hundred dollars per month, during said sitting.

Approved January 27, 1913.

HeinOnline -- 1913 563 1913

HOUSE JOINT RESOLUTION NO. 5.

Relative to Suspending Entries on Flathead Reservation.

Whereas, A large number of citizens on what was formerly the Flathead Reservation in Montana have presented filings on lands which are unoccupied and unallotted, and

Whereas, Said filings have been rejected and suspended by reason of the fact that the said land has not been classified or appraised, and

Whereas, Many of these settlers have made their applications several years ago and said applications have been rejected or suspended, awaiting the action of the Department, which action has not yet been taken.

Be It Therefore Resolved, That the Legislative Assembly of the State of Montana does hereby protest against the dilatory action of the Department of the Interior and does hereby demand that the said Department of the Interior take steps to immediately classify and appraise said lands to the end that the settlers may have proper filing accepted and that the land in question may be cultivated and become homes for citizens of the United States who have applied for and desire the same.

Be It Further Resolved, That copies of this resolution be presented to the President of the United States, the Secretary of the Interior and to the Members of the United States Senate and House of Representatives from Montana.

Approved February 25, 1913.

HOUSE JOINT MEMORIAL NO. 1.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Whereas: The settlers under the Lower Yellowstone Project, Montana and North Dakota, organized under the supervision and direction of the Reclamation Service, the Lower Yellowstone Water User's Association, a corporation, and executed and delivered a contract to said corporation subscribing for stock in said corporation, which empowered said corporation under the direction of the Secretary of the Interior to sell their homesteads and their lands, unless the owners made application for water rights and complied with the provisions of the Act of Congress of June 17, 1902; and

Whereas: Said contracts were entered into and executed with the understanding that the final estimated cost of the Project was $30.00 per acre, and that the cost to them should

HeinOnline -- 1913 564 1913

not exceed that amount per acre on their holdings; and that the farm unit under said Project was 160 acres: and

Whereas: That provisions of the Act of Congress of June 17, 1902, provided that the payments should be made with a view of returning to the Reclamation fund the estimated cost of construction, and also that the farm unit should be fixed at the time the Project is determined feasible by the Secretary of the Interior, and

Whereas: The cost of construction of said Project has exceeded the original estimated cost $750,000.00, increasing the cost thereof to the settlers to $42.50 per acre; and

Whereas: Many settlers prior to the initation of said Project have secured from the Government tracts of land embracing more than 80 acres, and the Secretary of the Interior by his ruling has required that such settlers reduce their holdings to 80 acre tracts, the same being adopted as the farm unit under said Project, which said ruling the said settlers denounce as contrary to the provisions of the Reclamation Act.

Now, Therefore, Be It Resolved, The Senate concurring, that we, the Thirteenth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation, and the abrogation of unjust rulings, providing that the settlers under said Yellowstone Project shall not be required to return to the Reclamation Fund an amount exceeding the original estimated cost of $30.00 per acre; and further, that said settlers under said Project who acquired from the Government, prior to the initation thereof, tracts of land embracing more than 80 acres, be permitted to hold the same under said Project, not exceeding 160 acres each, and to acquire water rights thereunder for the whole of said holdings; further,

Resolved, That a copy of this Memorial be forwarded by the Secretary of State to the President of the United States and to the Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use their every effort to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 25, 1913.

HeinOnline -- 1913 565 1913

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 1.

Whereas, most serious and grave charges have been recently made under oath against the conduct and management of the State Refirm School at Miles City, and which said charges, are of so serious and grave a character as to greatly impair the efficiency of said school and to cause the people of the State to lose confidence in the same if allowed to go unnoticed and,

Whereas, said charges have been brought to the attention of a number of the members of the House, it is not only fitting and proper but it is just to all parties concerned that said charges should be investigated by a Committee of the Thirteenth Legislative Assembly.

Now, Therefore, Be, It Resolved, by the House, the Senate concurring, that a committee composed of two senators and three representatives be appointed by the presiding officer of the respective bodies for the purpose of making a full, complete and thorough investigation of said charges and of the conduct and administration of the said State Reform School.

And Be It Further Resolved, that immediately upon the appointment of said committee they proceed forthwith to said Reform School for the purpose of hearing said charges and conducting said investigation. And to that end said committee is hereby authorized and empowered, through its chairman, to issue subpoenas to require the attendance of any and all witnesses before it, and to compel such witness or witnesses to testify before said committee under oath and to produce for examination by said committee any book, books, paper or papers or any other documentary evidence of any nature or character which may be in the control of such witness or witnesses. Said committee is hereby further authorized and empowered to require the sheriff of any county of the State of Montana, in which said committee may be holding its meeting, to serve subpoenas issued by it.

Approved February 6, 1913.

HeinOnline -- 1913 566 1913

HOUSE CONCURRENT RESOLUTION NO. 2.

CONCURRENT RESOLUTION RELATING TO THE COMPENSATION OF CERTAIN EMPLOYES OF THE LEGISLATIVE ASSEMBLY.

Whereas, The House of Representatives, by resolution adopted, undertook to increase the salary and compensation of certain employees of the Legislative Assembly, and

Whereas, certain of said employees did receive said additional compensation from the beginning of this Session, and

Whereas, the State Auditor has compelled said Legislative employees to refund to the State of Montana said additional compensation, holding that the payment of same was in violation of the provisions of Chapter 45 of Session Laws of 1909, and

Whereas, by the provisions of Senate Bill No. 142, approved by the Governor on the 27th day of February, 1913, said Chapter 45 of the Session Laws of 1909, was amended so as to fix the salaries of the employees of the Legislative Assembly,

Now, Therefore, Be It Resolved, by the House of Representatives the Senate concurring, that the Auditor of the State of Montana, be, and he is hereby authorized and directed to issue warrants chargeable against the appropriation for the payment of the compensation of the employees of the Thirteenth Legislative Assembly, in favor of the employees of this Legislative Assembly, based upon the salary and compensation authorized and allowed in Senate Bill No. 142, from and including the First day of the Session of the Thirteenth Legislative Assembly, and the State Treasurer is hereby directed to pay the same, and

Be It Further Resolved, that the State Auditor and the State Treasurer be, and they are hereby relieved from any liability which might accrue to them by making the payments herein directed.

Approved March 17, 1913.

HeinOnline -- 1913 567 1913

HeinOnline -- 1913 568 1913

APPENDIX

(NOTE BY THE SECRETARY OF STATE)

The following acts were initiated and passed by the people of Montana at the general election of November, 1912.

HeinOnline -- 1913 569 1913

A BILL.

To propose by initiative petition a law to provide for Party Nominations by Direct Vote.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

Section 1. Construction of Law.

Whenever the provisions of this law in operation prove to be of doubtful or uncertain meaning, or not sufficiently explicit in directions and details, the general laws of Montana, and especially the election and registration laws, and the customs, practice, usage, and forms thereunder, in the same circumstances or under like conditions, shall be followed in the construction and operation of this law, to the end that the protection of the spirit and intention of said laws shall be extended so far as possible to all primary elections, and especially to all primary nominating elections provided for by this law. If this proposed law shall be approved and enacted by the people of Montana, the title of this bill shall stand as the title of the law.

Section 2. Time for Holding Primary Elections.

On the seventieth (70) day preceding any general election (not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in Congress, and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State, or any subdivision of this State, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law.

Section 3. Duty of County Clerk—Notice of Primary Elections.

It shall be the duty of the county clerk, thirty days before any primary nominating election, to prepare printed notices of such election, and mail two of said notices to each judge and clerk of election in each precinct; and it shall be the duty of the several judges and clerks immediately to post said notice

HeinOnline -- 1913 570 1913

in public places in their respective precincts. Said notices shall be substantially in the following form:

Primary Nominating Election Notice.

Notice is hereby given that on ....., the ..... day of ....., 19...., at the ....., in the precinct of ....., in the county of ....., Montana, a primary nominating election will be held at which the (insert names of political parties subject to this law) will choose their candidates for state, district, county, precinct, and other offices, namely (here name the offices to be filled, including a Senator in Congress when the next Legislative Assembly is to elect a Senator, delegates to any constitutional convention then called, and candidates for county central committeemen to be elected); which election will be held at 12 o'clock, noon, and will continue until 7 o'clock in the afternoon of said day.

Dated this ..... day of ....., 19....
....., County Clerk.

Section 4. Application of Law to Cities and Towns.

The nomination of candidates for municipal offices by the political parties subject to the provisions of this law shall be governed by this law in all incorporated towns and cities of this State having a population of two thousand and upward as shown by the last preceding national or state census. All petitions by the members of such political parties for placing the names of candidates for nomination for such municipal offices on the primary nominating ballots of the several political parties shall be filed with the city clerk of said several towns and cities, and it shall be the duty of such officers to prepare and issue notices of election for such primary nominating elections in like manner as the several county clerks perform similar duties for nominations by such political parties for county offices at primary nominating elections. The duties imposed by this law on the county clerk at primary nominating elections are hereby, as to said towns and cities, designated to be the duties of the city clerk of said towns and cities as to primary nominating elections of the political parties subject to the provisions of this law; provided, that in cities and towns the primary nominating election shall be held on the fourteenth day preceding their municipal elections. Under the provisions of this law the lawfully constituted legislative and executive authorities of cities and towns within the provisions of this section shall have such power and authority over the establishment of municipal voting precincts and wards, municipal boards of judges and clerks of election and other officers of their said municipal elections, and other matters pertaining to

HeinOnline -- 1913 571 1913

municipal primary nominating elections required for such cities and towns by this law, that such legislative and executive authorities have over the same matters at their municipal elections for choosing the public officers of said cities and towns.

Section 5. Counting of Ballots.

Immediately after the closing of the polls at a primary nominating election, the clerks and judges of election shall open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each political party, at the same time bunching the tickets cast for each political party together in separate piles, and shall then fasten each pile separately by means of a brass clip, or may use any means which shall effectually fasten each pile together at the top of each ticket. As soon as the clerks and judges have sorted and fastened together the ballots separately for each political party, then they shall take the tally sheets provided by the county clerk and shall count all the ballots for each political party separately until the count is completed, and shall certify to the number of votes for each candidate for nomination for each office upon the ticket of each party. They shall then place the counted ballots in the box. After all have been counted and certified to by the clerks and judges they shall seal the returns for each of said political parties in separate envelopes, to be returned to the county clerk.

Section 6. Form of Tally Sheets—Canvass of Votes.

Tally sheets for each political party having candidates to be voted for at said primary nominating election shall be furnished for each voting precinct by the county clerk, at the same time and in the same manner that the ballots are furnished and shall be substantially as follows:

"Tally sheet of the primary nominating election for ..... (name of political party) held at ..... precinct, in the county of ..... on the ..... day of ..... 19..

The names of the candidates shall be placed on the tally sheets and numbered in the order in which they appear on the official and sample ballots, and in each case shall have the proper political party designated at the head thereof.

The following shall be the form of the tally sheets kept by the judges, and clerks of the primary nominating election under this law, containing the number and name of each person voted for, the particular office for nomination to which each person was voted for, the total number of votes cast for each candidate for nomination. The tally or count as it is kept by each of the clerks shall be audibly announced as it proceeds,

HeinOnline -- 1913 572 1913

and shall be kept in the manner and form as follows:

No.	Name of Candidate	Office	Total vote received	No.	Tally 5	No.	Tally 10	No.	Tally 15
12	.....	.....	....	12	.....	12	.....	12	.....
13	.....	.....	.....	13	.....	13	.....	13	.....
14	.....	.....	.....	14	.....	14	.....	14	.....

The columns for the numbers 12, 13, 14, etc., shall not be over three-eighths of an inch wide. The columns for the tallies shall be three-eighths of an inch wide, the lines shall be three-eighths of an inch apart; every ten lines the captions of the columns shall be reprinted between double-ruled lines in bold-faced small pica, and all figures shall be printed in bold-faced small pica. The tally sheets shall conclude with the following form of certificate:

We hereby certify that at the above primary nominating election and polling place each of the foregoing named persons received the number of votes set opposit his name, as above set forth, for the nomination for the office specified.

....., Chairman. ....., Clerk.
(Who kept this sheet.)
....., Judge. ....., Clerk.
....., Judge. ....., Clerk.
(Who kept the other sheet.)

During the counting of the ballots each clerk shall, with pen and ink, keep tally upon one of the above tally sheets, of each political party, and shall total the number of tallies and write the total in ink immediately to the right of the last tallies for each candidate, and also in the columns headed "total vote," and shall prepare the certificate thereto above indicated; and immediately upon the completion of the count, all the clerks shall sign the tally sheets, and each of them shall certify which sheets were kept by him; and the chairman and the judges, being satisfied of the correctness of the same, shall then sign all of said tally sheets. The clerks shall then prepare a statement of that portion of the tally sheets showing the number and name and political party of each candidate for nomination and the office and total votes received by each in the precinct, and shall prepare the certificate thereto, which statement shall be signed by the judges and clerks who complete the count, and shall be immediately posted in a conspicuous place on the outside of said polls, there to remain for ten days.

HeinOnline -- 1913 573 1913

Section 7. Poll Books and Tally Sheets to Be Sealed and Returned.

Immediately after canvassing the votes in the manner aforesaid, the judges and clerks who complete the count, before they separate or adjourn shall inclose the poll books in separate covers and securely seal the same. They shall also inclose the tally sheets in separate envelopes and seal the same securely. They shall also envelope all the ballots fastened together, as aforesaid, and seal the same securely; and they shall be in writing, with pen and ink, specify the contents, and address each of said packages upon the outside thereof to the county clerk of the county in which the election precinct is situated. These sealed packages of counted ballots shall be marked on the outside, showing what numbers are contained therein, but once sealed they are not to be opened by any one until so ordered by the proper court. When the count is completed, the ballots counted and sealed, and enveloped and marked for identification as aforesaid, shall be packed in the two ballot boxes, and nothing else shall be put into the boxes. The boxes shall then be locked, and the official seal of the board shall be pasted over the keyhole and over the rim of the lid of the box, so that the box cannot be opened without breaking the seal. Thereafter neither the county clerk nor the canvassers making the abstracts of the votes shall break the said seals upon the ballot boxes, nor shall anyone break the seals on the boxes or the ballots, except upon the order of the proper court in case of contest, or upon the order of the county board when the boxes are needed for the ensuing election.

Section 8. Political Party Nominations Made Exclusively as Herein Provided.

Every political party shall nominate all its candidates for public office under the provisions of this law, and not in any other manner; and it shall not be allowed to nominate any candidate in the manner provided by Section 521, of the Revised Codes of Montana, 1907. Every political party and its regularly nominated candidates, members, and officers, shall have the sole and exclusive right to the use of the party name and the whole thereof, and no candidate for office shall be permitted to use any word of the name of any other political party or organiation than of that by which he is nominated. No independent or non-partisan candidate shall be permitted to use any word of the name of any existing political party or organiation in his candidacy. The names of candidates for public office nominated under the provisions of this law shall be printed on the official ballots for the ensuing election as

HeinOnline -- 1913 574 1913

the only candidates of the respective political parties for such public office in like manner as the names of the candidates nominated by other methods are required to be printed on such official ballots.

Section 9. Petitions for Nomination to Be Filed.

Before or at the time of beginning to circulate any petition for nomination to any office under this law, the person who is to be a candidate for such nomination shall send by registered mail, or otherwise, to the Secretary of State, or the county clerk or city clerk, a copy of his petition for nomination, signed by himself; and such copy shall be filed and shall be conclusive evidence for the purpose of this law that said elector has been a candidate for nomination by his party. All nominating petitions and notices pertaining to state or district offices to be voted for in more than one county, and for judges of the district court, shall be filed in the office of the Secretary of State; for county offices and district offices to be voted for in one county only, shall be filed with the county clerk; and for all city offices, in the office of the city clerk.

Section 10. Form of Petition for Nomination.

Any qualified elector who has filed his petition shall have his name printed on the official nominating ballot of his party as a candidate for nomination for any office at any primary nominating election held under the provisions of this act, if there shall be filed in his behalf a petition signed as herein required, and substantially in the following form:

To ..... (address of the officer with whom the petition is to be filed, and to the members of the ..... party and the electors of (state), counties of ..... comprising the ..... district, (county), (city), (as the case may be), in the State of Montana—

I ....., reside at ....., and my post-office address is ..... If I am nominated for the office of ..... at the primary nominating election to be held in the (State of Montana), (district), (county), (city), the ..... day of ....., 19.., I will accept the nomination and will not withdraw, and if I am elected I will qualify as such officer.

If I am nominated and elected I will, during my term of office (here the candidate, in not exceeding one hundred words, may state any measures or principles he especially advocates, and the form in which he wishes it printed after his name on the nominating ballot, in not exceeding twelve words).

In case of an elector seeking nomination for the office of Senator or Representative in the Legislative Assembly, he may

HeinOnline -- 1913 575 1913

include one of the following two statements in his petition; but if he does not do so, the Secretary of State or county clerk, as the case may be, shall not on that account refuse to file his petition:

STATEMENT NO. 1.

I further state to the people of Montana, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States Senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a Senator in Congress, without regard to my individual preference. .....

(Signature of the candidate for nomination.)

If the candidate shall be unwilling to sign the above statement, then he may sign the following statement as a part of his petition:

STATEMENT NO. 2.

During my term of office I shall consider the vote of the people for United States Senator in Congress as nothing more than a recommendation, which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient.

.....

(Signature of the candidate for nomination.)

Every such petition shall be signed as above by the elector seeking such nomination. There shall be a separate leaf or sheet signed as above on every such petition for each precinct in which it is circulated. After the above, and on a separate sheet or sheets, shall be the following petition:

To ..... (Secretary of State for Montana), or (to ....., the county clerk for the county of ..... Montana), or to ....., city clerk of .....), (as the case may be).

We, the undersigned members of the ..... party and qualified electors and residents of ..... precinct, in the county of ....., State of Montana, respectfully request that you will cause to be printed on the official nominating ballot for the ..... party, at the aforesaid primary nominating election, the name of the above signed ..... (name of applicant), as a candidate for nomination to the office of ..... (title of office) by said ..... party.

Name	Postoffice Address	Street and number, if any	Precinct

HeinOnline -- 1913 576 1913

Form.

Name ..... Postoffice Address .....
Street and Number, if any ..... precinct .....

Each and every leaf or sheet of said petition containing signatures shall be verified in substantially the following form by one or more of the signers of said petition:

State of Montana, County of ....., ss.

I, ..., being first duly sworn, say: I am personally acquainted with all the persons who have signed this sheet of the foregoing petition, and I personally know that their signatures thereon are genuine; and I believe that their postoffice address and residence are correctly stated and that they are qualified electors and members of the ..... party.

.....
(Signature of affiant.)

Subscribed and sworn to before me this ..... day of ....., 19...

.....
(Signature and title of officer before whom oath is made.)

Section 11. Percentage of Electors Required on Petition.

The vote cast by a political party in each voting precinct for Representative in Congress at the last preceding general election shall be the basis on which the percentage for petitions shall be counted. In the case of any political party not represented by any candidates for any office on the ballot at the last preceding general election, nomination papers must be signed by as many voters as are required in the case of the candidates of the party requiring the least numbers of signatures entitled, as herein provided, to a place on the ballot at such primary. If the nomination is for a municipal office, or for an office to be voted for in only one county, the necessary number of signers shall include electors residing in at least one-fifth of the voting precincts of the county, municipality or district; if it be a State or district office, and the district comprises more than one county, the necessary number of signers shall include electors residing in each of at least one-eighth of the precincts in each of at least two counties in the district; if it be an office to be voted for in the State at large, the necessary number of signers shall include electors residing in each of at least one-tenth of the precincts in each of at least seven counties of the State; if it be an office to be voted for in a congressional district, the necessary number of signers shall include electors residing in at least one-tenth of the precincts in each of at least one-fourth of the counties in such district. The number of signers required on every such petition shall be at least

HeinOnline -- 1913 577 1913

two per cent. of the party vote in the electoral district as above stated: provided, that the whole number of signers required on a nominating petition under the provisions of this law for any office to be voted for in the State at large, or in a congressional district, shall not exceed one thousand, nor in any other case shall the whole number required exceed 500 signers. All the leaves or sheets making one petition shall be fastened together before they are forwarded to the proper officers for filing. There shall not be in any petition the name of more than one candidate for nomination. Any elector may sign more than one nominating petition required by this law for the same office. It shall be unlawful for any person to sign another person's name to any petition required by this law. It shall be unlawful for any person to sign any nominating petition required by this law unless he is a qualified elector. Any names or signatures placed on any petition in violation of the provisions of this law shall not be counted in computing the number of signers necessary to make the same a valid and effective petition.

Section 12. Qualification of Petitioners.

No person who is not a qualified elector shall be qualified to join in signing any petition for nomination, or to vote at said primary nominating election. But this shall not be construed to prevent any member of any party from signing a petition for the nomination of any independent or non-partisan candidate after the primary nominating election, nor shall it be construed to prevent any qualified elector from signing petitions for more than one candidate for the same office on one party ticket.

Section 13. Time for Filing Petitions for Nominations.

All petitions for nomination under this act for offices to be filled by the State at large, or by any district consisting of more than one county, and nominating petitions for judges of district courts in districts consisting of a single county, shall be filed in the office of the Secretary of State not less than twenty days before the date of the primary nominating election; and for other offices to be voted for in only one county, or district or city, every such petition shall be filed with the county clerk or city clerk, as the case may be, not less than fifteen days before the date of the primary nominating election.

Section 14. "Register of Candidates."

The county clerk, Secretary of State, and the city clerk of towns and cities having two thousand inhabitants or more, shall keep a book entitled "Register of Candidates for Nomination at the Primary Nominating election," and he shall enter

HeinOnline -- 1913 578 1913

therein, on different pages of the book for the different political parties subject to the provisions of this law, the title of the office sought and the name and residence of each candidate for nomination at the primary nominating election; the name of his political party; the date of receiving the first copy of his petition signed by the candidate; the words he wishes printed after his name on the nominating ballot, if any; the date of receiving his petition; the number of signatures thereon, and the number of signatures required to make a valid and sufficient petition for nomination to said office by his political party, and such other information as may aid him in arranging his official ballot for said primary nominating election immediately after the canvass of votes at a primary nominating election is completed, the county clerk, Secretary of State, or city clerk, as the case may be, shall enter in his book marked "Register of Nominations," the date of such entry, the name of each candidate nominated, the office for which he is nominated, and the name of the party making the nomination.

Section 15. Register of Candidates is Public Record—Disposition of Poll Books, Tally Sheets, Ballots, Etc.

Such registers of candidates for nomination, and of nominations and petitions, letters and notices, and other writings required by law, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations; and when a copy of any such writing is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officers with whom such writing was filed shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy to the person who presented it on payment of his lawful fees therefor. All such writings, poll books, tally sheets, ballots, and ballot stubs pertaining to primary nominating elections under the provisions of this act shall be preserved as other records are for two years after the election to which they pertain, at which time, unless otherwise ordered or restrained by some court, the county clerk shall destroy the ballots and ballot stubs, by fire, without any one inspecting the same.

Section 16. Notice of Death or Withdrawal.

The provisions of Sections 529 and 530, Revised Codes of Montana, 1907, shall apply to nominations, or petitions for nominations, made under the provisions of this law, in case of the death of the candidate or his removal from the State or his county or electoral district before the date of the ensuing election, but in no other case. In case of any such vacancy

HeinOnline -- 1913 579 1913

by death or removal from the State, or from the county or electoral district, such vacancy may be filled by the committee which has been given power by the political party or this law to fill such vacancies substantially in the manner provided by Section 529 and 530, Revised Codes of Montana, 1907.

Section 17. Arrangement and Notice of Nominations.

Not more than twenty days and not less than seventeen days before the day fixed by law for the primary nominating election the Secretary of State shall arrange, in the manner provided by this law, for the arrangement of the names and other information upon the ballots, all the names of and information concerning all the candidates for nomination contained in the valid petitions for nomination which have been filed with him in accordance with the provisions of this law, and he shall forthwith certify the same under the seal of the State, and file the same in his office, and make and transmit a duplicate thereof by registered letter to the county clerk of each county in the State, and he shall also post a duplicate thereof in a conspicuous place in his office, and keep the same posted until after said primary nominating election has taken place. In case of emergency the Secretary of State may transmit such duplicate by telegraph.

Section 18. Arrangement of Ballots and Notice.

Not more than fifteen days and not less than twelve days before the day fixed by law for the primary nominating election, the county clerk of each county, or the city clerk of each city, as the case may be, subject to the provisions of this law, shall arrange in the manner provided by this law for the arrangement of the names and other information concerning all the candidates and parties named in the valid petitions for nomination which have been filed with him and those which have been certified to him by the Secretary of State, in accordance with the provisions of this law; and he shall forthwith certify the same under the official seal of his office, and file the same in his office, and make and post a duplicate thereof in a conspicuous place in his office, and keep the same posted until after the primary nominating election has taken place; and he shall forthwith proceed and cause to be printed, according to law, the colored sample ballots and the official voting ballots required by this law.

Section 19. Ballots Printed and Furnished by County Clerk.

All blanks, ballots, poll books and other supplies to be used at any primaries shall be provided, and all expenses necessarily incurred in the preparation for, or conducting such primaries shall be paid out of the treasury of the county in the same

HeinOnline -- 1913 580 1913

manner and by the same officers as in the case of elections. Not later than one day next preceding any primary the county clerk must furnish one of the judges of the primaries in each precinct with a copy of the official register and a check list for the precinct.

Section 20. Official Ballot—Form of—Manner of Voting.

At all primaries there shall be a ballot made up of the several party tickets herein provided for, each of which shall be printed on a separate sheet of white paper, all of which shall be of the same size, and all shall be securely fastened together at the top and folded, provided that there shall be as many separate tickets as there are parties entitled to participate in said primary election.

The names of all candidates shall be arranged alphabetically according to surnames, under the appropriate title of the respective officers, and under the proper party designation upon the party ticket. If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and shall in no case be counted for such person as a candidate upon any other ticket. In case any person is nominated, as provided in this act, upon more than one ticket, he shall forthwith file with the Secretary of State or county clerk a written declaration indicating the party designation under which his name is to be printed on the official ballot, for the primary election, failing in which his name shall be printed upon the party ticket for which the greater number of nominating signatures have been filed for such candidate and no candidate shall have his name printed on more than one ticket. The ballots with the endorsements shall be printed on white paper in substantially the form of the Australian ballot used in general elections, except that the candidates of each party shall be printed on a separate sheet. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the official stamp thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass the judges of election shall, without examination, destroy the tickets deposited in the blank ballot box.

HeinOnline -- 1913 581 1913

Section 21. Official Ballots and Sample Ballots—Number Of.

There shall be provided and furnished at each primary nominating election for each election precinct for each voter at least two official ballots intended to be voted, and a like number of the colored sample ballots. The sample ballots shall be duplicate impressions of the official ballots to be voted, but in no case shall they be white, nor shall the sample ballots have perforated stubs, nor shall they have the same margin, either at the top or sides or bottom, as the official voting ballots have, or nearer thereto than twelve points. These colored sample ballots shall be furnished as soon as printed, at any time before the primary nominating election by the respective county or city clerks in reasonable quantities, to all electors applying for the same; and on the day of said election, under the direction and control of the judges at each polling place, said colored sample ballots shall be given in proper quantities to all electors applying for them.

Section 22. Nomination of United States Senator.

At all general primary nominating elections next preceding the election of a Senator in Congress by the Legislature of Montana there shall be placed upon the official primary nominating election ballots, by each of the county clerks and clerks of the county board, the names of all candidates for the office of Senator in Congress, for whose nominations petitions have been duly made and filed under the provisions of this law, the votes for which candidates shall be counted and certified to by the election judges and clerks in the same manner as the votes for other candidates; and records of the vote for such candidates shall be made out and sworn to by the board of canvassers of each county of the State and returned to the Secretary of State at the time and in like manner as they shall transmit other records and returns required by this law.

Section 23. Canvass of Returns.

On the third day after the close of any primary nominating election, or sooner if all the returns be received, the county clerk, taking to his assistance two justices of the peace of the county of different political parties, if practicable, shall proceed to open said returns and make abstracts of the votes. Such abstracts of votes for nominations for Governor and for Senator in Congress shall be on one separate sheet for each political party, and shall be immediately transmitted to the Secretary of State in like manner as other election returns are transmitted to him. Such abstract of votes for nomination of each party for Lieutenant Governor, Secretary of State,

HeinOnline -- 1913 582 1913

Attorney General, State Auditor, Superintendent of Public Instruction, Railroad Commissioners, Clerk of the Supreme Court, State Treasurer, Justices of the Supreme Court, members of Congress, judges of the district court, and members of the Legislative Assembly, who are to be nominated from a district composed of more than one county, shall be on one sheet, separately for each political party, and shall be forthwith transmitted to the Secretary of State, as required by Section 24 of this act. The abstract of votes for county and precinct offices shall be on another sheet separately for each political party; and it shall be the duty of said clerk immediately to certify the nomination for each party and enter upon his register of nominations the name of each of the persons having the highest number of votes for nomination as candidates for members of the Legislative Assembly, county, and precinct offices, respectively, and to notify by mail each person who is so nominated; provided, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the county clerk shall give notice to the several persons so having the highest and equal number of votes to attend at his office at a time to be appointed by said clerk, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party; and said clerk shall forthwith enter upon his register of nominations the name of the persons thus duly nominated, in like manner as though he had received the highest number of the votes of his party for that nomination; and it shall be the duty of the county clerk of every county, on receipt of the returns of any general primary nominating election, to make out his certificate stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the county board of county commissioners at its next term, and the said board shall order the compensation aforesaid to be paid out of the county treasury. In all primary nominating elections in this State, under the provisions of this law, the person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office.

Section 24. Duties of County Clerk After Canvass of Vote. The county clerk, immediately after making the abstracts of votes given in his county, shall make a copy of each of said

HeinOnline -- 1913 583 1913

abstracts and transmit it by mail to the Secretary of State, at the seat of government; and it shall be the duty of the Secretary of State, in the presence of the Governor and the State Treasurer, to proceed within fifteen days after the primary nominating election, and sooner, if all returns be received, to canvass the votes given for nomination for Governor, Senator in Congress, Lieutenant Governor, Attorney General, Superintendent of Public Instruction, Railroad Commissioners, Secretary of State, State Treasurer, State Auditor, Justices of the Supreme Court, Clerk of the Supreme Court, members of Congress, judges of the district court, senators and representatives, and all other officers to be voted for by the people of the State, or of any district comprising more than one county; and the Governor shall grant a certificate of nomination to the person having the highest number of votes for each office, and shall issue a proclamation declaring the nomination of each person by his party. In case there shall be no choice for nomination for any office by reason of any two or more persons having an equal and the highest number of votes of his party for nomination for either of said offices, the Secretary of State shall immediately give notice to the several persons so having the highest and equal number of votes to attend at his office, either in person or by attorney, at a time to be appointed by said Secretary, who shall then and there proceed to publicly decide by lot which of said persons so having an equal number of votes shall be declared duly nominated by his party; and the Governor shall issue his proclamation declaring the nomination of such person or persons, as above provided.

Section 25. Error in Ballot or Count.

Whenever it shall appear by affidavit to the district court or judge thereof, or to the supreme court or judge thereof, that an error or omission has occurred or is about to occur in the printing of the name of any candidate or other matter on the official primary nominating election ballots, or that any error has been or is about to be committed in the printing of the ballots, or that the name of any person or any other matter has been or is about to be wrongwully placed upon such ballots, or that any wrongful act has been performed by any judge or clerk of the primary election, county clerk, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred or is about to occur, such court or judge shall by order require the officer or person or persons charged with the error, wrongful

HeinOnline -- 1913 584 1913

act, or neglect, to forthwith correct the error, desist from the wrongful act, or perform the duty and do as the court shall order, or show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order performed. Failure to obey the order of any such court or judge shall be contempt. Any person in interest or aggrieved by the refusal or failure of any person to perform any duty or act required by this law shall, without derogation to any other right or remedy, be entitled to pray for a mandamus in the district court of appropriate jurisdiction, and any proceedings under the provisions of this law shall be immediately heard and decided.

Section 26. Secretary of State May Send for Returns.

If the returns and abstracts of the primary nominating election of any county in the state shall not be received at the office of the Secretary of State within twelve days after said election, the Secretary of State shall forthwith send a messenger to the county board of such county, whose duty it shall be to furnish said messenger with a copy of said returns, and the said messenger shall be paid out of the county treasury of such county the sum of twenty cents for each mile he shall necessarily travel in going to and returning from said county. The county clerk, whenever it shall be necessary for him to do so in order to send said returns and abstracts within the time above limited, may send the same by telegraph, the message to be repeated, and the county shall pay the expense of such telegram.

Section 27. Penalty for Official Misconduct.

If any judge or clerk of a primary nominating election, or other officers or persons on whom any duty is enjoined by this law, shall be guilty of any willful neglect of such duty, or of any corrupt conduct in the discharge of the same, such judge, clerk, officer or other person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than $100 nor more than $500.

Section 28. Notice of Contest.

Any person wishing to contest the nomination of any other person to any state, county, district, township, precinct, or municipal office may give notice in writing to the person whose nomination he intends to contest that his nomination will be contested stating the cause of such contest briefly, within five days from the time said person shall claim to have been nominated.

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Section 29. Service of Notice—Contest—How Heard.

Said notice shall be served in the same manner as a summons issued out of the district court three days before any hearing upon such contest as herein provided shall take place, and shall state the time and place that such hearing shall be had. Upon the return of said notice served to the clerk of the court he shall thereupon enter the same upon his issue docket as an appeal case, and the same shall be heard forthwith by the district court; provided, that if the case can not be determined by the district court in term time, within fifteen days after the termination of such primary nominating election, the judge of the district court may hear and determine the same at chambers forthwith, and shall make all necessary orders for the trial of the case and carrying his judgment into effect; provided, that the district court provision of this section shall not apply to township or precinct officers. In case of contest between any persons claiming to be nominated to any township or precinct office, said notice shall be served in the manner aforesaid, and shall be returned to the district court of the county.

Section 30. Contest for Precinct Officers—Trial, Etc.

The provisions of Section 7234 and 7249, Revised Codes of Montana, 1907, so far as the same do not conflict with the provisions of this law, shall apply to and are hereby made applicable to primary nominating elections held under the provisions of this law.

Section 31. Contest—How Tried and Decided.

Each party to such contest shall be entitled to subpoenas, and subpoenas duces tecum, as in ordinary cases of law; and the court shall hear and determine the same without the intervention of a jury, in such manner as shall carry into effect the expressed will of a majority of the legal voters of the political party, as indicated by their votes for such nominations, not regarding technicalities or errors in spelling the name of any candidate for such nomination; and the county clerk shall issue a certificate to the person declared to be duly nominated by said court, which shall be conclusive evidence of the right of said person to hold said nomination; provided, that the judgment or decision of the district court in term time, or a decision of the judge thereof in vacation, as the case may be, may be removed to the supreme court in such manner as may be provided for removing such causes from the district court to the supreme court.

Section 32. Committeemen to Be Elected by Each Party.

There shall be elected by each political party, subject to

HeinOnline -- 1913 586 1913

the provisions of this law, at said primary nominating election, a committeeman for each election precinct, who shall be a resident of such precinct. Any elector, being a member of their party, may be placed in nomination for committeeman of any precinct by a writing so stating, signed by any five members of any political party being qualified electors of such precinct, and filed in the office of the county clerk within the time required in this act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election; but no such nomination paper shall be filed unless verified by the affidavit of the signers to the effect that they are bona fide members of the political party named in the same. The names of the various candidates for precinct committeeman of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates. The committeeman thus elected shall be the representative of his political party in and for such precinct in all ward or subdivision committees that may be formed. The committeemen elected in each precinct in each county shall constitute the county central committee of each of said respective political parties. Those committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respective political parties, and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the county committee has in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each committeeman shall hold such position for the term of two years from the date of the first meeting of said committee immediately following their election. In case of a vacancy happening on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said county and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect the county member of the state central committee and of the members of the congressional committee, and said committees shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committee has to fill county

HeinOnline -- 1913 587 1913

vacancies and make rules. Said county and city central committees shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election, where such vacancy is caused by death or removal from the electoral district, but not otherwise. Said committees shall meet and organize by electing a chairman and secretary within five days after the candidates of their respective political parties shall have been nominated. They may select managing or executive committees and authorize such subcommittees to exercise any and all powers conferred upon the county, city, state and congressional central committees respectively by this law.

Section 33. Penalty for Violation of Law.

If any candidate for nomination shall be guilty of any wrongful or unlawful act or acts at a primary nominating election which would be sufficient, if such wrongful or unlawful act or acts had been done by such candidate at the regular general election, to cause his removal from office, he shall, upon conviction thereof, be removed from office in like manner as though such wrongful or unlawful act or acts had been committed at a regular general election, notwithstanding that he may have been regularly elected and shall not have been guilty of any wrongful or unlawful act at the election at which he shall have been elected to his office.

Section 34.

The candidates for the various state offices, and for the United States senate, representatives in congress and the legislative assembly nominated by each political party at such primary, and senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing, and the members of the state central committee of such political party, shall meet at the call of the chairman of the state central committee not later than September 15th next preceding any general election. They shall forthwith formulate the State platform of their party. They shall thereupon proceed to elect a chairman of the state central committee and perform such other business as may properly be brought before such meeting.

Section 35. Penalty for Bribery, Etc.

Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce him to sign any nomination paper, and any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as consideration for sign-

HeinOnline -- 1913 588 1913

ing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing, shall be guilty of a misdemeanor, and upon trial and conviction thereof be punished by a fine of not less than twenty-five nor more than one thousand dollars, and by imprisonment in the county jail of not less than ten days nor more than six months.

Section 36.

Any act declared an offense by the general laws of this state concerning caucuses, primaries and elections shall also, in like case, be an offense in and as to all primaries as herein defined, and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such caucuses, primaries and elections, except as herein otherwise provided, shall apply in such case with equal force, and to the same extent as though fully set forth in this act.

Section 37.

Any person who shall forge any name of a signer or a witness to a nomination paper shall be guilty of forgery, and on conviction punished accordingly. Any person who, being in possession of nomination papers entitled to be filed under this act, or any act of the legislature, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time in the proper office, shall, on conviction, be punished by imrisonment in the county jail not to exceed six months, or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Section 38.

The provisions of the laws of this state now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making return thereof, the appointment and compensation of officers of election, and all other kindred subjects, shall apply to all primaries, insofar as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections.

Section 39.

All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

HeinOnline -- 1913 589 1913

A BILL

To propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference for party candidates for President and Vice President of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

Sec. 1. In the years when a President and Vice-President of the United States are to be elected, the primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and affected.

Sec. 2. When candidates for the offices of President and Vice-President of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for President, and one person to be the candidate of his political party for Vice-President of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their personal supporters in Montana without said persons themselves signing any petition or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of President or Vice-President of the Unites States, shall be printed on the nominating official ballot, and the ballots shall be marked, and the votes shall be counted, canvassed and returned in like manner and under the same conditions as to names, petitions and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of Governor and for United States Senator in Congress are, or may be by law required to be marked, filed, counted, canvassed and returned.

Sec. 3. The members of the political parties subject to this law shall elect their party delegates to their national conven-

HeinOnline -- 1913 590 1913

tions for the nomination of their party candidates for President and Vice-President of the United States, and shall nominate candidates for their party presidential electors at such nominating election. The governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for President and Vice-President. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to one per cent of the party vote in the State at the last preceding election for Representative in Congress; provided that not more than five hundred signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person, and no more, to the office of national delegate for his party, and to vote for the nomination of one aspirant, and no more for the office of presidential elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of presidential elector.

Sec. 4. Every delegate to a national convention of a political party recognized as such organization by the laws of Montana, shall receive from the State treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the Secretary of State, but in no case to exceed two hundred dollars for each delegate; provided, that such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican National Convention was fixed by the Republican party of Montana in the year 1912. The election of such national delegates for political parties not subject to the Direct Primary Nomi-

HeinOnline -- 1913 591 1913

nating Elections Law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for President and Vice-President, shall subscribe to an oath of office that he will uphold the Constitution and the laws of the United States and of the State of Montana, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by its voters at the time of his election.

Sec. 5. The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate of such party for President or Vice-President of the United States, shall have the right, upon payment thereof, to four pages of printed space in the campaign books of such political party provided for by law. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Montana and in the Nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for President or Vice- President of the United States, may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of one hundred dollars per printed page, to set forth his reasons therefor.

Sec. 6. Every person regularly nominated by a political party, recognized as such by the laws of Montana for President or Vice-President of the United States, or for any office to be voted for by the electors of the State at large, or for Senator or Representative in Congress, shall be entitled to use four pages of printed space in the State campaign book provided for by law. In this space, the candidate, or his supporters with his written permission filed with the Secretary of State, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and Vice-President of the United States for this printed space. The other candidates above named shall pay at the rate of one hundred dollars per printed page for said space, and said payment shall not be counted as a part of the ten per cent of one year's salary that each candidate is allowed to spend for campaign purposes.

HeinOnline -- 1913 592 1913

Sec. 7. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

A BILL.

To propose by initiative petition a law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

Section 1. No sums of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the state for printing, as herein provided, in his campaign for nomination to any public office or position in this state, in excess of fifteen per cent of one year's compensation or salary of the office for which he is a candidate; provided, that no candidate shall be restricted to less than one hundred dollars in his campaign for such nomination. No sums of money shall be paid, and no expenses authorized or incurred, contrary to the provisions of this act, for or on behalf of any candidate for nomination. For the purposes of this law the contribution, expenditure, or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee, or fellow official or fellow employee of a corporation shall be deemed to be that of the candidate himself.

Section 2. Any candidate, and unless he notifies the Secretary of State that he refuses them permission, the friends of any candidate for nomination to any state or district office, when the district is composed of one or more counties, may file with the Secretary of State, for publication as herein provided, not later than the thirty-third day before the biennial primary nominating election, with his portrait cut if he wishes, a printed or typewritten statement or statements, on the conditions hereinafter set forth, over his or their signatures, stating the reasons why he should be nominaed; provided, that no candidate, nor his friends, shall be allowed to file any such statements, unless his petition for nomination is duly filed with the Secretary of State, not later than the forty-first day before said nominating election. Any person or persons opposing the nomination of any such candidate may, not later than the thirty-ninth day, before said nominating election,

HeinOnline -- 1913 593 1913

file with the Secretary of State their printed or typewritten statements over their signatures, of the reasons why such candidate should not be nominated, but every such statement shall be accompanied by proof, by affidavit or sheriff's return, that they have caused to be served personally and in person, upon such candidate a true copy of such statement. Each candidate shall be allowed one page of printed matter and those opposing him shall each be allowed one page of space on equal terms with him as hereinafter provided. Nothing in this law shall be deemed to make any such statement or the authors thereof, free or exempt from any civil or criminal action or penalty, because of any false, slanderous or libelous statements offered for printing or contained in said pamphlet. The person or persons procuring, making, composing or offering such statements for filing, shall be deemed the authors and publishers thereof.

Section 3. Candidates for nomination shall pay for one page of space in the publication herein provided for as follows: For the office of United States Senator in Congress, one hundred dollars; for Representative in Congress, one hundred dollars; for Justice of the Supreme Court, seventy-five dollars; for Governor, one hundred dollars; for Secretary of State, one hundred dollars; for State Treasurer, one hundred dollars; for State Auditor, one hundred dollars; for State Superintendent of Public Instruction, seventy-five dollars; for Railroad Commissioner, one hundred dollars; for Attorney General, one hundred dollars; for Clerk of the Supreme Court, seventy-five dollars; for Lieutenant Governor fifty dollars; for Senator or Representative in the Legislative Assembly, ten dollars; for District Judge, fifty dollars; for candidates for any other office for a district consisting of one or more counties or state office, fifty dollars. Any candidate may have additional space at the rate of one hundred dollars per page, but no payment shall be received for less than a full page; provided, that not more than three additional pages shall be allowed to any one candidate. All payments required by this section shall be made to the Secretary of State when the statement is offered to him for filing, and be by him paid into the general fund in the state treasury.

Section 4. Not later than the thirtieth day before the primary nominating election, the Secretary of State shall hand to the Official Printer all of such statements and portrait cuts, properly compiled, edited, prepared and indexed for printing; it shall be the Official Printer's duty to print and bind the same in pamphlet form, printing the pictures of candidates

HeinOnline -- 1913 594 1913

with and as a part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which candidates' names are grouped under the title to their offices on the official ballot at the nominating election. In preparing said pamphlets for printing, the Secretary of State shall compile the copy for the same in such form as to make it most convenient for the Official Printer to print and bind under one cover, separately for each political party, the statements only of candidates to be voted for by members of that party for nomination in the same electoral district or division; that is to say, the statements and arguments of all candidates seeking republican votes in Ravalli county for nominations by the republican party to state and district offices, for a district comprising one county or more, shall be printed and bound under one cover, and the same with the democratic and any other party required to nominate its candidates at said nominating election. The same method shall be applied in printing the pamphlets for all other counties and districts, but no picture, statement or argument for or against any candidate for nomination shall be included in the copy of said pamphlet going to any county where such candidate is not to be voted for. The Official Printer shall begin the delivery of said pamphlets to the Secretary of State as quickly as possible, and not later than the twentieth day before the nominating election, and complete the same not later than the fifteenth day before said nominating election, printing and delivering first so far as practicable, the pamphlets for the counties in the order of their distance from the state capital. At the time of delivering the copy to the Official Printer, the Secretary of State shall order the number of copies he estimates will be necessary for each county.

Section 5. The several county clerks shall obtain the postoffice address of each voter who registers and on the seventeenth day preceding the nominating election, said county clerks shall mail to the Secretary of State the name and postoffice address of every voter registered at that time in their respective counties; immediately on the close of registration for such nominating election, and again at the close of registration for the general election, they shall deliver to the Secretary of State the postoffice address of every voter who registers during the said interval. At least eight days before the regular biennial primary nominating election, the Secretary of

HeinOnline -- 1913 595 1913

State shall forward by mail to every voter a copy of each pamphlet containing the names and statements herein provided for. The pages of the pamphlets required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight point Roman faced type, single leaded, and twenty-five ems pica in width, with proper heads. In the foot margin of every page of the party pamphlets for nominating election shall be shown the authority for the information therein, as "The information furnished by (name of candidate or name of his friends or opponents)," as the case may be. In the foot margin of every page of the pamphlet herein provided for the general election shall be shown the authority for the statements thereof, as "This information furnished by (title of committee or managing agent of the political party or name of the independent candidate,)" as the case may be.

Section 6. Not later than the thirtieth day before the regular biennial general election the state executive committee or managing officers of any political party or organization having nominated candidates, but no others except independent candidates, may file with the Secretary of State portrait cuts of its candidates and typewritten statements and arguments for the success of its principles and the election of its candidates, and opposing or attacking the principles and candidates of all other parties. Not later than the twenty-eighth day before said general election the Secretary of State shall deliver to the Official Printer properly compiled and prepared for printing, the said portrait cuts, statements and arguments, with an order for the number of pamphlet copies of the same necessary to supply one, at least, complete as to the candidates to be voted for in any county for which the same may be designed, for every registered voter within the State of Montana. The Official Printer shall begin delivering said pamphlets to the Secretary of State as soon as possible, and shall complete the same within twelve days. The Secretary of State shall begin mailing the pamphlets to the voters of the state as soon as they are delivered to him, and shall complete the mailing on or before the tenth day before said general election.

Section 7. All the portrait cuts, statements and arguments of all the political parties and independent candidates shall be bound together in one pamphlet, and no party shall have more than twenty-four pages, nor an independent candidate more than two pages therein. The political parties and independents shall pay to the Secretary of State for the public

HeinOnline -- 1913 596 1913

treasury for said pamphlet at the time of filing their copy with him, at the rate of fifty dollars for each printed page of space in said pamphlet used by such party or independent candidate. The provisions of the preceding sections requiring estimates of the number of pamphlets for each county, limitations on the candidates' names, statements and pictures to be included in the pamphlets going to each county, and the manner of distribution, shall apply in like manner to the pamphlets herein provided for the general election.

Section 8. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute towards payment for his political party's or independent statement in the pamphlet herein provided for, to be paid by him in his campaign for election, in excess of ten per cent of one year's salary or compensation of the office for which he is nominated; provided, that no candidate shall be restricted to less than one hundred dollars. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to the provisions of this act. For the purposes of this act the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee or fellow official or fellow employee of a corporation shall be deemed to be that of the candidate himself.

Section 9. In cities of more than ten thousand population, any candidate for nomination or election to any elective municipal office may file with the City Clerk, Auditor or Recorder, not later than the fifteenth day before the municipal primary nominating election, a statement of the reasons why he should be nominated and elected, and portrait cut if he desires, on the conditions hereinafter set forth. Such candidate shall pay for the services herein provided at the rate of twenty dollars for each printed page of space; no payment shall be received for less than a full page. All payments made under this section shall be made to the City Clerk, Auditor or Recorder at the time the statement is offered to him for filing, and shall be by him paid into the general fund in the city treasury. The City Clerk, Auditor or Recorder shall properly compile, edit, prepare and index said statements and arguments for printing, and if there shall be any municipal measures to be voted upon at the ensuing municipal election he may bind in with

HeinOnline -- 1913 597 1913

said pamphlet a copy of each and of the arguments submitted thereon in like manner as the Secretary of State is required to do in state elections, and shall cause the same to be printed in the same manner that other city printing is done, and have them all bound under one cover; and he shall, at least eight days before the regular nominating election, forward a copy of said pamphlet with postage fully prepaid, to each voter in the city whose postoffice address he may have or can obtain from the city directory, registration books or otherwise. The provisions of this section shall not apply to cities of less than ten thousand inhabitants, as shown by the census next preceding such municipal election. The provisions of the preceding sections for statements opposing candidates shall apply also to municipal elections, under this section, subject to the same rules of filing, payments, etc., required of candidates' statements by this section.

Section 10. Terms used in this act shall be construed as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law:

"Persons" shall apply to any individual, male or female, and, where consistent with collective capacity, to any committee, firm, partnership, club, organization, association, corporation, or other combination of individuals.

"Candidate" shall apply to any person whose name is printed on an official ballot for public office, or whose name is expected to be or has been presented for public office, with his consent, for nomination or election.

"Political agent" shall apply to any person who, upon request or under agreement, receives or disburses money in behalf of a candidate.

"Political committee" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association, or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental.

"Public Office" shall apply to any national, state, county or city office to which a salary attaches and which is filled by the voters, as well as to the office of presidential elector, United States Senator, or presiding officer of either branch of the Legislature.

"Give," "provide," "expend," "contribute," "receive," "ask,"

HeinOnline -- 1913 598 1913

"solicit," and like terms, with their corresponding nouns, shall apply to money, its equivalent, or any other valuable thing; shall include the promise, advance deposit, borrowing, or loan thereof, and shall cover all or any part of a transaction, whether it be made directly or indirectly.

None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given; nor to prohibit expenditure by committees of political parties or organizations for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challengers or watchers at the polls, traveling expenses, telegraphing or telephoning, or making of poll lists.

Section 11. Every candidate for nomination or election to public office, including candidates for the office of Senator of the United States shall within fifteen days after the election at which he was a candidate, file with the Secretary of State, if a candidate for Senator of the United States, Representative in Congress, or for any state or district office in a district composed of one or more counties, or for members of the Legislative Assembly from a district composed of more than one county, but with the County Clerk for legislative districts composed of not more than one county, and for county and precinct offices, and with the City Clerk, Auditor or Recorder, of the town or city in which he resides if he was a candidate for a town, city or ward office, an itemied sworn statement setting forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after such election. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, or the election of his party candidates, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he was in default, unless he shall be excused by the court. Fifteen days after any such election the Secretary of State, or County Clerk, City Clerk, Auditor or Recorder, as the case may be, shall notify the County Attor-

HeinOnline -- 1913 599 1913

ney of any failure to file such a statement on the part of any candidate, and within ten days there after such prosecuting officer shall proceed to prosecute said candidate for such offense.

Section 12. Every political committee shall have a treasurer, who is a voter, and shall cause him to keep detailed accounts of all its receipts, payments and liabilities. Similar accounts shall be kept by every person, who in the aggregate receives or expends money or incurs liabilities to the amount of more than fifty dollars for political purposes and by every political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the political canvass, campaign, nomination or election concerned. Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such committee, agent, candidate or other person or political party or organization, shall, on demand, and in any event within fourteen days after such receipt, expenditure or incurrence of liability, give such treasurer, agent, candidate or other person on whose behalf such expense or liability was incurred detailed account thereof, with proper vouchers. Every payment, except payments less in the aggregate than five dollars to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account hereby required shall be a part of the accounts and files of such treasurer, agent, candidate or other person, and shall be preserved by the public officer with whom it shall be filed for six months after the election to which it refers. Any person not a candidate for any office or nomination who expends money or value to an amount greater than fifty dollars in any campaign for nomination or election, to aid in the election or defeat of any candidate or candidates, or party ticket, or measure before the people, shall within ten days after the election in which said money or value was expended, file with the Secretary of State in the case of a measure voted upon by the people, or of state or district offices for districts composed of one or more counties or with the County Clerk for county offices, and with the City Clerk, Auditor or Recorder for municipal offices, an itemized statement of such receipts and expenditures and vouchers for every sum paid in excess of five dollars, and shall at the same time deliver to the candidate or treasurer of the political organization whose success or defeat he has sought to promote, a duplicate of such statement and a copy of such vouchers. The books of account of every treasurer of any political party, com-

HeinOnline -- 1913 600 1913

mittee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization for the same electoral district; and his right of inspection may be enforced by writ of mandamus by any court of competent jurisdiction.

Section 13. The Secretary of State shall, at the expenses of the state, furnish to the County Clerk, and to the City and Town Clerks, Auditors and Recorders, copies of this act as a part of the election laws. In the filing of a nomination petition or certificate of nomination, the Secretary of State, in the case of state and district offices for districts composed of one or more counties, and County Clerks for county offices, and the City and Town Clerks, Auditors or Recorders for municipal offices, shall transmit to the several candidates, and to the treasurers of political committees, and to political agents, as far as they may be known to such officer, copies of this act, and also to any other person required to file a statement such copies shall be furnished upon application therefor. Upon his own information, or at the written request of any voter, said Secretary of State shall transmit to any other person believed by him or averred to be a candidate, or who may otherwise be required to make a statement, a copy of this act.

Section 14. The several officers with whom statements are required to be filed shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within ten days after the same are filed; and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith in writing notify the delinquent person. Every such complaint filed by a citizen or candidate shall state in detail the grounds of objection, shall be sworn to by the complainant, and shall be filed with the officer within sixty days after the filing of the statement or amended statement. Upon the written request of a candidate or any voter, filed within sixteen days after any convention, primary or nominating election, said Secretary of State, County Clerk, City or Town Clerk, Auditor or Recorder, as the case may be, shall demand from any specified person or candidate a statement of all his receipts, and from whom received, disbursements and liabilities in connection

HeinOnline -- 1913 601 1913

with or in any way relating to the nomination or election concerned, whether it is an office to which a salary or compensation is attached or not, and said person shall thereupon be required to file such statement and to comply with all the provisions relating to statements herein contained. Whoever makes a statement required by this act shall make oath attached thereto that it is in all respects correct, complete, and true, to the best of his knowledge and belief, and said verification shall be substantially the form herein provided.

Section 15. Upon the failure of any person to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provision of this act relating to corrupt practices in elections, or in any other provision of the election laws, the Secretary of State, the County Clerk, or the City Clerk, Auditor or Recorder, as the case may be, shall forthwith notify the County Attorney of the county where said violation occurred and shall furnish him with copies of all papers relating thereto, and said County Attorney shall within sixty days thereafter examine every such case, and if the evidence seems to him to be sufficient under the provisions of this act he shall in the name of the state forthwith institute such civil or criminal proceedings as may be appropriate to the facts.

Section 16. The district court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, unless herein otherwise provided, shall have exclusive original jurisdiction of all violations of this act, and may compel any person who fails to file such a statement as required by this act, or who files a statement which does not conform to the provisions of this act in respect to its truth, sufficiency in detail or otherwise to file a sufficient statement, upon the application of the Attorney General or of the County Attorney, or the petition of a candidate or of any voter. Such petition shall be filed in the district court within sixty days after such election if the statement was filed within the fifteen days required, but such a petition may be filed within thirty days after any payment not included in the statement so filed.

Section 17. All statements shall be preserved for six months after the election to which they relate, shall be public records subject to public inspection, and it shall be the duty of the officers having custody of the same to give certified copies thereof in like manner as of other public records. The totals of each statement, filed with him, with the name of the person or candidate filing it, shall be published in the next annual report of the Secretary of State, the County Clerk or the City Clerk,

HeinOnline -- 1913 602 1913

Auditor or Recorder, as the case may be.

Section 18. No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished; provided, if the money be received from the treasurer of any political organization it shall be sufficient to enter the same as received from said treasurer.

Section 19. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, promise to appoint another person, or promise to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position of honor, trust or emolument, except that he may publicly announce or define what is his choice or purpose in relation to any election in which he may be called to take part, if elected, and if he is a candidate for nomination or election as a member of the Legislative Assembly he may pledge himself to vote for the people's choice for United States Senator, or state what his action will be on such vote.

Section 20. No holder of a public position or office other than an office filled by the voters, shall pay or contribute to aid or promote the nomination or election of any other person to public office. No person shall invite, demand or accept payment or contribution from such holder of a public position or office for campaign purposes.

Section 21. No holder of a public position other than an office filled by the voters shall be a delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor shall he be a member of a political committee for such district.

Section 22. No person shall invite, offer or effect the transfer of any convention credential in return for any payment of money or other valuable thing.

Section 23. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit any payment, promise or reward from another for such purpose.

Section 24. No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, chari-

HeinOnline -- 1913 603 1913

table or other cause or organization supposed to be primarily or principally for the public good, from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election to or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nomination paper or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club or organization, to buy tickets to any entertainment or ball, or to subscribe for or pay for space in any book, program, periodical or other publication; if any candidate shall make any such payment or contribution with apparent hope or intent to influence the result of the election, he shall be guilty of a corrupt practice; but this section shall not apply to the soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising prior to his candidacy nor to ordinary business advertising nor to his regular payment to any organization, religious, charitable or otherwise of which he may have been a member, or to which he may have been a contributor, for more than six months before his candidacy nor to ordinary contributions at church services.

Section 25. No corporation, and no person, trustee, or trustees owning or holding the majority of the stock of a corporation carrying on the business of a bank, savings bank, cooperative bank, trust, trustee, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery, or crematory company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the state or by any county, city or town, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or organization. No person shall solicit or receive such payment or contribution from such corporation or such holders of a majority of such stock.

Section 26. Any person or candidate who shall either by himself or by any other person, either before or after an election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat

HeinOnline -- 1913 604 1913

or drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent on hope to influence that person or any other person to give or refrain from giving his vote at such election to or for any candidate or political party ticket, or measure before the people, or on account of such persons or any other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote or refrain from voting at such election shall be guilty of treating. Every elector who accepts or takes any such meat, drink, entertainment, provision, clothing, liquors, cigars or tobacco, shall also be guilty of treating; and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.

Section 27. Whenever any person's right to vote shall be challenged, and he has taken the oath prescribed by the statutes, and if it is at a nominating election, then it shall be the duty of the clerks of election to write in the poll books at the end of such person's name the words "challenged and sworn," with the name of the challenger. Thereupon the chairman of the board of judges shall write upon the back of the ballot offered by such challenged voter the number of his ballot, in order that the same may be identified in any future contest of the results of the election, and be cast out of it shall appear to the court to have been for any reason wrongfully or illegally voted for any candidate or on any question. And such marking of the name of such challenged voter, nor the testimony of any judge or clerk of election in reference thereto, or in reference to the manner in which said challenged person voted, if said testimony shall be given in the course of any contest, investigation or trial wherein the legality of the vote of such person is questioned for any reason, shall not be deemed a violation of section 8130, Revised Codes of Montana.

Section 28. Every person who shall directly or indirectly, by himself or any other person in his behalf, makes use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, or any person who, being a minister, preacher or priest, or any officer of any church, religious or other corporation or organization, otherwise than by public speech or print, shall urge, persuade or command any voter to vote or

HeinOnline -- 1913 605 1913

refrain from voting for or against any candidate or political party ticket or measure submitted to the people, for or on account of his religious duty, or the interest of any corporation, church or other organization, or who shall by abduction, duress or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election, or shall thereby compel, induce or prevail upon any elector to give or to refrain from giving his vote at any election, shall be guilty of undue influence, and shall be punished as for a corrupt practice.

Section 29. Any candidate who, before or during any election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the election in his electoral district or in any part thereof, or on any event or contingency relating to any pending election, or who provides money or other valuable to be used by any person in betting or wagering upon the results of any impending election, shall be guilty of a corrupt practice. Any person who for the purpose of influencing the result of any election makes any bet or wager of anything of pecuniary value on the result of such election in his electoral district or any part thereof, or of any pending election, or on any event or contingency relating thereto, shall be guilty of a corrupt practice, and in addition thereto any such act shall be ground of challenge against his right to vote.

Section 30. Any person shall be deemed guilty of the offense of personation who, at any election, applies for a ballot in the name of some other person, whether it be that of a person living or dead, or of a fictitious person, or who having voted once at an election applies at the same election for a ballot in his own name; and on conviction thereof such person shall be punished by imprisonment in the penitentiary at hard labor for not less than one nor more than three years.

Section 31. Any person shall be guilty of a corrupt practice within the meaning of this act if he expends any money for election purposes contrary to the provisions of any statute of this state, or if he is guilty of treating, undue influence, personation, the giving or promising to give, or offer of any money or valuable thing to any elector with intent to induce such elector to vote for or to refrain from voting for any candidate for public office, or the ticket of any political party or organization, or any measure submitted to the people, at any election, or to register or refrain from registering as a voter at any state, district, county, city, town, village or school district election for public offices or on public measures. Such

HeinOnline -- 1913 606 1913

corrupt practice shall be deemed to be prevalent when instances thereof occur in different election districts similar in character and sufficient in number to convince the court before which any case involving the same may be tried that they were general and common, or were pursuant to a general scheme or plan.

Section 32. It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering or for the expense of transportation to or from the polls. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty is to act as challengers and watch the count of official ballots. No person shall buy, sell, give or provide any political badge, button or other insignia to be worn at or about the polls on the day of any election, and no such political badge, button or other insignia shall be worn at or about the polls on any election day.

Section 33. No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate or any political party or organization, or measure before the people, unless it is stated therein, that it is a paid advertisement, the name of the chairman or secretary, or the names of the other officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street number thereof, if any, appear in such advertisement in the nature of a signature. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher or agent shall accept such payment. Any person who shall violate any of the provisions of this section shall be punished as for a corrupt practice.

Section 34. It shall be unlawful for any person at any place on the day of any election to ask, solicit, or in any manner try to induce or persuade any voter on such election day to vote for or refrain from voting for any candidate, or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by fine of not less than five dollars nor more than one hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same

HeinOnline -- 1913 607 1913

or different election days, he shall be punished by fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than thirty days, or by both such fine and imprisonment.

Section 35. It shall be unlawful to write, print, or circulate through the mails or otherwise any letter, circular, bill, placard or poster relating to any election or to any candidate at any election, unless the same shall bear on its face the name and address of the author, and of the printer and publisher thereof; and any person writing, printing, publishing, circulating, posting, or causing to be written, printed, circulated, posted or published any such letter, bill, placard, circular or poster as aforesaid, which fails to bear on its face the name and address of the author and of the printer or publisher shall be guilty of an illegal practice, and shall, on conviction thereof, be punished by a fine of not less than ten dollars nor more than one thousand dollars. If any letter, circular, poster, bill, publication or placard shall contain any false statement or charges reflecting on any candidate's character, morality or integrity, the author thereof and every person printing or knowingly assisting in the circulation shall be guilty of political criminal libel and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years. If the person charged with such crime shall prove on his trial that he had reasonable ground to believe such charge was true and did believe it was true, and that he was not actuated by malice in making such publication, it shall be a sufficient defense to such charge. But in that event, and as a part of such defense, the author and the printer or publisher or other person charged with such crime shall also prove that, at least fifteen days before such letter, circular, poster, bill or placard containing such false statement or statements was printed or circulated, he or they caused to be served personally and in person upon the candidate to whom it relates a copy thereof in writing, and calling his attention particularly to the charges contained therein, and that, before printing, publishing or circulating such charges, he received and read any denial, defense or explanation, if any, made or offered to him in writing by the accused candidate within ten days after the service of such charge upon the accused person.

Section 36. The name of a candidate chosen at a primary nominating election or otherwise shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of ac-

HeinOnline -- 1913 608 1913

counts and expenses relating to nominations required by this act, as well as a statement by his political agent and by his political committee or committees in his behalf, if his statement discloses the existence of such agent, committee or committees. The officer or board entrusted by law with the preparation of the official ballots for any election shall, as far as practicable, warn candidates of the danger of the omission of their names by reason of this provision, but delay in making any such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot if there is reasonable time therefor after the receipt of such statements. Any such vacancy on the ballot shall be filled by the proper committee of his political party in the manner authorized by law, but not by the use of the name of the candidate who failed to file such statements. No person shall receive a certificate of election until he shall have filed the statements required by this act.

Section 37. It shall be unlawful for any person to accept, receive, or pay money or any valuable consideration for becoming or for refraining from becoming a candidate for nomination or election, or by himself or in combination with any other person or persons to become a candidate for the purpose of defeating the nomination or election of any other person and not with a bona fide intent to obtain the office. Upon complaint made to any district court if the judge shall be convinced that any person has sought the nomination or seeks to have his name presented to the voters as a candidate for nomination by any political party for any mercenary or venal consideration or motive, and that his candidacy for the nomination is not in good faith, the judge shall forthwith issue his writ of injunction restraining the officer or officers whose duty it is to prepare the official ballots for such nominating election from placing the name of such person thereon as a candidate for nomination to any office. In addition thereto the court shall direct the County Attorney to institute criminal proceedings against such person or persons for corrupt criminal proceedings against such person or persons for corrupt practice, and upon conviction thereof he and any person or persons combining with him shall be punished by a fine of not more than one thousand dollars, or imprisonment in the county jail for not more than one year.

Section 38. Where, upon the trial of any action or proceeding under the provisions of this act for the contest of the right of any person declared nominated or elected to any office, or to annual or set aside such nomination or election, or to remove

HeinOnline -- 1913 609 1913

a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offense at such election were taken by and on behalf of the candidate, or that the offense or offenses complained of were trivial, unimportant and limited in character, and that in all other respects his participation in the election was free from such offenses or illegal acts, or that any act or omission of the candidate arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the said candidate shall forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of such candidate shall not by reason of such offense or omission complained of be void, nor shall the candidate be removed from or deprived of his office.

Section 39. If, upon the trial of any action or proceeding under the provisions of this act, for the contesting of the right of any person declared to be nominated to an office, or elected to an office, or to annual and set aside such election, or to remove any person from his office, it shall appear that such person was guilty of any corrupt practice, illegal act, or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be, and the vacancy therein shall be filled in the manner provided by law. The only exception to this judgment shall be that provided in section 38 of this act. Such judgment shall not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act or acts.

Section 40. Any action to contest the right of any person declared elected to an office, or to annual and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in this act, must, unless a different time be stated, be commenced within forty days after the return day of the election at which such offense was committed, unless the ground of the action or proceeding is for the illegal payment of money or other valuable thing subsequent to the filing of the statements prescribed by this act, in which case the action or proceeding may be commenced within forty days after the discovery by the complainant of such illegal payment. A contest of the nomination

HeinOnline -- 1913 610 1913

or office of Governor or Representaive or Sentator in Congress must be commenced within twenty days after the declaration of the result of the election, but this shall not be construed to apply to any contest before the Legislative Assembly.

Section 41. An application for filing a statement, payment of a claim or correction of an error or false recital in a statement filed, or an action or proceeding to annul and set aside the election of any person declared elected to an office, or to remove or deprive any person of his office for an offense mentioned in this act, or any petition to excuse any person or candidate in accordance with the power of the court to excuse as provided in section 38 of this act, must be made or filed in the district court of the county in which the certificate of his nomination as a candidate for the office to which he is declared nominated or elected is filed or in which the incumbent resides.

Section 42. A candidate nominated or elected to an office, and whose nomination or election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office be elected or appointed to fill any office or vacancy in any office or position of trust, honor or emolument under the laws of the State of Montana or of any municipality therein. Any appointment or election to any office or position of trust, honor or emolument made in violation of or contrary to the provisions of this act shall be void.

Section 43. If any County Attorney shall be notified by any officer or other person of any violation of any of the provisions of this act within his jurisdiction, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution it shall be the duty of such County Attorney to file a complaint or information in writing, before a court of competent jurisdiction, charging the accused person with such offense; if any County Attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. It shall be the duty of the County Attorney, under penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office.

Section 44. If, in any case of a contest on the ground of illegal votes, it appears that another person than the one returned has the highest number of legal votes, after the illegal votes have been eliminated, the court must declared such person nominated or elected, as the case may be.

HeinOnline -- 1913 611 1913

Section 45. Any elector of the state, or of any political or municipal division thereof, may contest the right of any person to any nomination or office for which such elector has the right to vote, for any of the following causes:

1. On the ground of deliberate, serious and material violation of any of the provisions of this act, or of any other provision of the law relating to nominations or elections.

2. When the person whose right was contested was not, at the time of the election, eligible to such office.

3. On account of illegal votes or an irroneous or fraudulent count or canvass of votes.

Section 46. Nothing in the third ground of contest specified in section 45 is to be so construed as to authorize a nomination or election to be set aside on account of illegal votes, unless it appear, either that the candidate or nominee whose right is contested had knowledge of, or connived at such illegal votes, or that the number of illegal votes given to the person whose right to the nomination or office is contested, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same nomination or office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Section 47. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that in one or more specified voting precincts, illegal votes were given to the person whose nomination of election is contested, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of any illegal votes unless the party contesting such election deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial. This provision shall not prevent the contestant from offering evidence of illegal votes not included in such statement, if he did not know and by reasonable diligence was unable to learn of such additional illegal votes and by whom they were given, before delivering such written list.

Section 48. Any petition contesting the right of any person to a nomination or election shall set forth the name of every person whose election is contested, and the grounds of the contest, and shall not thereafter be amended, except by leave of the court. Before any proceeding thereon the petitioner shall give bond in the state in such sum as the court may order, not exceeding two thousand dollars, with not less than two sure-

HeinOnline -- 1913 612 1913

ties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements and attorney's fees that may be awarded against him if he shall not prevail. If the petitioner prevails, he may recover his costs, disbursements and reasonable attorney's fees against the contestee. But costs, disbursements and attorney's fees, in all such cases, shall be in the discretion of the court, and in case judgment is rendered against the petitioner it shall also be rendered against the sureties on the bond. On the filing of any such petition the clerk shall immediately notify the judge of the court, and issue a citation to the persons whose nomination or office is contested, citing them to appear and answer not less than three nor more than seven days after the date of filing the petition, and the court shall hear said cause, and every such contest shall take precedence over all other business on the court docket and shall be tried and disposed of with all convenient dispatch. The court shall always be deemed in session for the trial of such cases.

Section 49. The petitioner (contestant) and the contestee may appear and produce evidence at the hearing, but no person other than the petitioner and contestee shall be made a party to the proceedings on such petition; and no person other than said parties and their attorneys shall be heard thereon, except by order of the court. If more than one petition is pending, or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together, and may apportion the costs, disbursements and attorneys fees between them, and shall finally determine all questions of law and fact, save only that the judge may in his discretion empanel a jury to decide on questions of fact. In the case of a contested nomination or election for Senator or Representative in the Legislative Assembly, or for Senator or Representative in Congress, the court shall forthwith certify its findings to the Secretary of State to be by him transmitted to the presiding officer of the body in question. In the case of other nominations or elections, the court shall forthwith certify its decision to the board or official issuing certificates of nomination or election, which board or offical shall thereupon issue certificates of nomination or election to the person or persons entitled thereto by such decision. If judgment of ouster against a defendant shall be rendered, said judgment shall award the nomination or office to the person receiving next the highest number of votes, unless it shall be further determined in the action, upon appropriate pleading and proof by the defendent, that some act has been done or committed which would have

HeinOnline -- 1913 613 1913

been ground in a similar action against such person, had he received the highest number of votes for such nomination or office, for a judgment of ouster against him; and if it shall be so determined at the trial, the nomination or office shall be by the judgment declared vacant, and shall thereupon be filled by a new election, or by appointment, as may be provided by law regarding vacancies in such nomination or office.

Section 50. In like manner as prescribed for the contesting of an election, any corporation organized under the laws of or doing business in the State of Montana may be brought into court on the ground of deliberate, serious and material violation of the provisions of this act. The petition shall be filed in the district court in the county where said corporation has its principal office, or where the violation of law is averred to have been committed. The court, upon conviction of such corporation, may impose a fine of not more than ten thousand dollars, or may declare a forfeiture of the charter and franchises of the corporation if organized under the laws of this state, or if it be a foreign corporation may enjoin said corporation from further transacting business in this state, or by both such fine and forfeiture, or by both such fine and injunction.

Section 51. Whoever violates any provision of this act, the punishment for which is not specially provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Section 52. Proceedings under this act shall be advanced on the docket upon request of either party for speedy trial, but the court may postpone or continue such trial if the ends of justice may be thereby more effectually secured, and in case of such continuance or postponement, the court may impose costs in its discretion as a condition thereof. No petition shall be dismissed without the consent of the County Attorney unless the same shall be dismissed by the court. No person shall be excused from testifying or producing papers or documents on the ground that his testimony or the production of papers or documents will tend to criminate him; but no admission, evidence or paper made or advanced or produced by such person shall be offered or used against him in any civil or criminal prosecution or any evidence that is the direct result of such evidence or information that he may have so given except in a prosecution for perjury committed in such testimony.

Section 53. A petition or complaint filed under the provi-

HeinOnline -- 1913 614 1913

sions of this act shall be sufficient if it is substantially in the following form:

IN THE DISTRICT COURT OF THE
..... JUDICIAL DISTRICT.
For the County of ..... STATE OF MONTANA.
A. B., (or A. B. and C. D.) Contestants,
vs.
E. F., Contestee.

The petition of contestant(or contestants) above named alleges:

That an election was held (in the State, district, county or city of .....), on the ..... day of ..... A. D. 19.. for the (nomination of a candidate for) (or election of a) (State the office)

That ..... and ..... were candidates at said election, and the board of canvassers has returned the said ..... as being duly nominated (or elected) at said election.

That contestant A. B. voted (or had a right to vote, as the case may be) at said election (or claims to have had a right to be returned as the nominee or officer elected or nominated at said election, or was a candidate at said election, as the case may be), and said contestant C. D. (here state in like manner the right of each contestant).

And said contestant (or contestants) further allege (here state the facts and grounds on which the contestants rely).

Wherefore, your contestants pray that it may be determined by the court that said ....., was not duly nominated (or elected) and that said election was void (or that the said A. B. or C. D., as the case may be) was duly nominated (or elected) and for such other and further relief as to the court may seem just and legal in the premises.

Said complaint shall be verified by the affidavit of one of the petitioners in the manner required by law for the verification of complaints in civil cases.

Section 54. The statement of expenses required from candidates and others by this act shall be in substantially the following form:

State of Montana, County of ....., ss.

I, ..., having been a candidate (or expended money) at the election for the (state) (district) (county) (city) of ..... on the ..... day of ..... A. D. 19.., being first duly sworn, on oath do say: That I have carefully examined and read the return of my election expenses and receipts hereto attached, and to the best of my knowledge and

HeinOnline -- 1913 615 1913

belief that return is full, correct and true.

And I further state on oath that, except as appears from this return, I have not, and to the best of my knowledge and belief, no person, nor any club, society or association, has on my behalf, whether authorized by me or not, made any payment, or given, promised, or offered any reward, office, employment or position, public or private, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said nomination or election.

And I further state on oath, that, except as specified in this return I have not paid any money, security, or equivalent for money, nor has any money or equivalent for money to my knowledge or belief been paid, advanced, given or deposited by any one to or in the hands of myself or any other person for my nomination or election or for the purpose of paying any expenses incurred on my behalf on account or in respect of the conduct or management of the said election.

And I further state on oath that I will not, except so far as I may be permitted by law, at any future time make or be a party to the making or giving of any payment, reward office, position or employment, or valuable consideration for the purpose of defraying any such expenses or obligations as herein mentioned for or account of my nomination or election, or provide or be a party to the providing of any money, security or equivalent for money for the purpose of defraying any such expense.

(Signature of Affiant.) .....

Subscribed and sworn to before me by the above named ..... on the ..... day of ..... A. D. 19..

Attached to said affidavit shall be a full and complete account of the receipts, contributions and expenses of said affiant, and of his supporters of which he has knowledge, with numbered vouchers for all sums and payments for which vouchers are required as to all money expended by affiant. The affidavit and account of the treasurer of any committee or any political party or organization shall be as nearly as may be in the same form, and so also shall be the affidavit of any person who has received or expended money in excess of the sum of fifty dollars to aid in securing the nomination or election or defeat of any candidate, or of any political party or organization, or of any measure before the people.

Section 55. Any person who shall knowingly make any false oath or affidavit where an oath or affidavit is required by this law shall be deemed guilty of perjury and punished accordingly.

HeinOnline -- 1913 616 1913

A BILL

To propose by initiative a law to instruct the members of the legislative assembly to vote for and elect the candidates selected by the people for United States senator from Montana.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

Section 1. That we, the people of the state of Montana, hereby instruct our representatives and senators in our legislative assembly, as such officers, to vote for and elect the candidates for United States Senator from this state who receive the highest number of votes at our general elections.

HeinOnline -- 1913 617 1913

HeinOnline -- 1913 618 1913

INDEX.

HeinOnline -- 1913 619 1913

INDEX.

(Note: In the preparation of this Index the compiler has, wherever deemed advisable in order to show the connection of the provisions of an Act with each other, departed from the alphabetical arrangement and followed that pursued in the Act; otherwise the several subjects follow in alphabetical order.)

	Sec.	Page.
Accident Insurance, see Insurance Companies.		
Accidents.		
Public utilities to report to Public Service Commission..	27 (a)	100
Acknowledgments.		
Duty of person taking	1	2
Corporations, Duty of person taking	1	2
—Form of certificate	1	2
—Curing defects	1	3
May be made, before whom	1	9
Actions, see subjects to which they relate.		
Age of Consent, see Rape.		
Agricultural College,		
Amendment to Constitution relative to increasing rate of taxation for educational purposes	1	461
Transfer of funds from General to College Fund	1	137
Treasurer, Power to receive moneys from United States.	109	205
—Shall make certain reports	109	206
Agricultural Experiment Station.		
Duty of Director, as to inspection of seeds	5–9	12
To issue bulletins of breeds of animals	3–4	5
To direct county Agricultural Instructor	1	451
Establishment of State Grain Laboratory, See Montana Grain Laboratory.		
Agricultural Experiment Sub-station, See Northern Montana Agricultural and Manual Training School.		
Agricultural Instructor,		
Counties may provide for payment of salary of	1	451
How to be paid	1	451
Agricultural Seeds, see Seeds.		
Agriculture, see Agricultural Instructor; Department of Agriculture and Publicity; Insect Pests; Northern Montana Agricultural and Manual Training School.		
Aldermen, see Cities and Towns.		
Aliens, Gun license, see Licenses.		
Amendments to Constitution, see Constitution.		
Anniversary of Battle of Gettysburg,		
Appointment of Commission	1	56
Commission, to consist of whom	1	56
—Traveling expenses, how paid	2	56
—Adjutant General to issue transportation	2	56
—Appropriation for expenses	3	57
Apple Boxes,		
Standard size of, adopted	1	457
Boxes smaller than standard size, to be plainly marked how	2	457
Labeled to contain approximate number of apples packed in, and name of person packing, etc.	3	457
Apples packed in, to be uniform in size, and in good condition	4	457
Boxes to be marked "standard"	5	457
To be deemed misbranded, when	6	457
Grades of apples defined	6	458
What apples to be sold as culls	7	458
Violation of Act a misdemeanor	8	459

HeinOnline -- 1913 620 1913

	Sec.	Page.
Appraisers, see Tax Commission.		
Appropriations.		
Acting Governor		510, 515
Adjutant General.		
Salary and expenses		508, 514
Stenographer—salary		508, 514
Anniversary of Battle of Gettysburg Commission	3	56
Attorney General.		
Salary and expenses		507, 512
Assistants, Law Clerk, Stenographer—salaries		507, 512
Auditor.		
Salary and expenses		506, 512
Deputies, Clerk and stenographers—salaries		506, 512
Actuary—Compensation		507, 512
Boiler Inspector,		
Salary and expenses		508, 513
Assistants, Clerk—Salary		508, 513
Board of Charities and Reform,		
Expense		509, 515
Board of Education,		
Traveling expenses of members		509, 514
Board of Examiners,		
Clerk, State Accountant—Salaries		509, 514
Office and contingent expense		509, 514
Board of Examiners for Coal Mine Inspectors,		
Deficiency claims for per diem and expenses		537
Salary and expense		509, 515
Board of Health,		
Secretary—Salary and expense		509, 514
Clerk, stenographers, chemists—Salaries		509, 514
Board of Horticulture,		
Secretary—Salary and expense		509, 514
Bureau of Agriculture and Publicity,		
Commissioner—Salary and expenses		508, 513
Clerk, Stenographer—Salaries		508, 513
Bureau of Child and Animal Protection,		
Secretary—Salary and expenses		510, 515
Deputies and stenographer—Salaries		510, 515
Bureau of Labor and Industry,		
Commissioner—Salary and expenses		508, 513
Clerk, stenographer—Salaries		508, 513
Capitol Buildings and Grounds		510, 515
Coal Mine Inspector,		
Salary and expenses		508, 513
Deputy—Salary		508, 513
Consolidated Boards,		
Clerk—Salary		509, 514
Office and traveling expenses		509, 514
County Attorneys,		
Salaries		511, 516
Salaries to March 1, 1913		536
Dairy Commissioner,		
Deputies—Salaries	2	308
District Judges,		
Salaries; traveling expenses, when		511, 516
Elevators, Warehouse and Grain Inspection Act	40	81
Entomologist,		
Expense		510, 515
Examiner,		
Salary and expenses		507, 512
Assistants, Clerk, Deputies—Salaries		507, 513
Additional Deputy, etc.	5	366
Examining Boards for Coal Miners,		
Appointed by District Judges, compensation		509, 515
Farmers' Institute,		
Expense		509, 514
Fire Departments,		
Appropriation for disability fund		539, 540
Fish Hatcheries,		
Maintenance and operation	1-3	551
Forestry School	4-5	482

HeinOnline -- 1913 621 1913

Appropriations—Continued.

	Sec.	Page.
Governor,		
Salary, office and traveling expenses		506, 511
Expense of Governors' Conference		506, 511
Secretary and stenographer—Salaries		506, 511
Historical Library.		
Assistants—Salaries		509, 514
Librarian—Salary and expenses		509, 514
Purchase of books and book cases		509, 514
Law Library,		
Librarian—Salary and office expenses		509, 514
Purchase of books and book cases		509, 514
Livestock Sanitary Board,		
Maintenance to March 1, 1913		534
Maintenance		510, 515
Mine Inspector,		
Salary and expenses		508, 513
Deputy—Salary		508, 513
Montana Grain Laboratory, equipment and maintenance	7	465
National Guard, maintenance		510, 515
Northern Montana Agricultural School	8–9	133, 134
Poultry Husbandry	4	136
Printing Montana Reports		511, 516
Public Printing		510, 515
Public Service Commission	34	102
Railroad Commission		
Commissioners—Salaries and expenses		507, 512
Secretary, Clerk, Inspector and stenographer—Salaries		507, 512
Steamboat Inspector—Salary		507, 512
Requisitions		510, 515
Rewards		510, 515
Secretary of State,		
Salary and expenses		506, 511
Deputy Secretary, stenographer—Salary		506, 511
Expense of State Sealer of Weights, etc., Act		506, 511
Sheep Inspection and Indemnity Fund		510, 515
State Board of Entomology	10	467
State Engineer,		
Salary and expense		510, 515
State Fair,		
Deficiency claim for purchase of land		555
Horticultural Building		552
Maintenance and betterments		517, 518
Secretary—Salary		510, 515
State Fish Commission,		
Clerk—Salary		546
State Highway Commission	6	321
State Institutions,		
Agricultural College		517, 518
Hospital for Inebriates		516, 518
Insane Asylum		516, 518
Reform School		517, 518
School for Deaf, Blind and Feeble minded,		
—Building and improvement		517
—Maintenance		517, 518
School of Mines		517, 518
Soldiers' Home, for septic tank		517
—Maintenance		517, 518
State Normal School		517, 518
State Orphans' Home		
—Maintenance		517, 518
—Furnishing of hospital, etc.		545
—To purchase additional land		547
State Prison		516, 518
Deficiency claims for improvements		537
—for maintenance of		535
State University		517, 518
Tuberculosis Sanatorium		517,
State Text Book Commission	1813	276
Stock Inspection and Detective Fund		510, 515
Superintendent of Public Instruction,		
Salary and expenses		507, 512
Deputy, Rural school inspector, clerk and stenographer—Salaries		507, 512

HeinOnline -- 1913 622 1913

	Sec.	Page.
Supreme Court,		
Attendant—Salary		511, 516
Clerk—Salary and expense		510, 516
Justices—Salaries, compensation for reporting, and expense		510, 516
Marshal—Salary		511, 516
Stenographer—Salary		511, 516
Tax Commissioner,		
Salary and expenses		540
Secretary—Salary		550
Transportation of prisoners		510, 515
Traveling Parole Commissioner,		
Salary and expenses		546
Treasurer,		
Salary and expenses		506, 511
Deputy, clerk and stenographer—Salaries		506, 511
Expense of official bond		506, 512
Veterinarian,		
Salary and expenses		508, 513
Clerk and deputy—Salary and expenses of latter		508, 513
Miscellaneous,		
Agricultural Experiment Station		517, 518
Bounty claims		526
—Proof of which was lost		535
—C. H. Emerson		544
—K. W. Hale		545
—S. C. Leedy		553
Deficiency claims.		
—Expense in office of State Game Warden		523
—Maintenance of Orphans' Home		523
—Public Printing		524
—Maintenance School for Deaf and Blind		524
—Maintenance Capitol Building		525
—On account of requisitions		525
—Expenses of District Judges		533
—Against State Board of Health		539
—Transportation of State Militia		540
—Montana, Wyoming & Southern Ry. Co.		541
—Herman Hanson		542
—Services rendered, approved by Board of Examiners		542
—Link & Haire, architect fees		549
—Transporting prisoners		521
Demonstrating Farms		517, 518
Disability fund for fire departments		539, 540
Dry Farm Sub-station, Fergus County		517, 518
Executive residence, maintaining and furnishing same	2-3	88
Expenses of Joint Committee to investigate Railroad freight charges		520
George H. Scott for services as Bounty Inspector		548
G. G. Watt and Charles Z. Pond, employees of House and Senate for certain services		547
Grand Army, safe-keeping of records; salary of custodian	4	44
Heating plant at school for Deaf and Blind		525
Horticulture Sub-station, Ravalli County		517, 518
Huntley Sub-station		517, 518
Interest on Bounty Claims		510, 515
J. C. Lowney for services member of Workmen's compensation Act commission		543
J. Eeraerts, livestock killed by mistake by State Veterinarian		543
J. K. O'Rourke, transporting prisoners		548
Payment of claim of Charles Munckton for care of a ward of state		553
Per diem and mileage of committee investigating Reform School		554
Per diem and mileage of presidential electors		520
Reading Clerk of House of Representatives		549
Refunding money erroneously paid into Fish and Game Fund		538
Restoration and maintenance of Old Fort Benton		536
Robert F. Rose for services as stenographer of the House of Representatives		544
Slaughtered diseased cattle	6	135
Thomas Cruse Savings Bank for refund on account of overpayment to State Examiner's Fund		541
Assessor,		
Livestock, duty of, pertaining to	1-2	5
Attachment,		
Exemption from	1	81

HeinOnline -- 1913 623 1913

	Sec.	Page.
Attorney General,		
Duty of, upon violation of Agricultural Seed Act	9-10	13
Legal Adviser, for State Grain Inspection Department	17	72
—Of State Highway Commission	2	320
May prosecute persons for violating the Weights and Measures Act	10	357
Member of State Board of Commissioners for Insane	1	110
Member of State Board of Education	100	199
Member of State Tax Commission	1	192
Must examine title to farm lands on which loan is sought of Land Commissioners	2	469
Revocation of warehousemen's license, approved by	19	72
To act for Public Service Commission	24-30-98	101
To apply for appointment of receiver of investment company, when	18	375
To be served with petition of claimant of escheated property	1	483
To bring action for recovery of forfeiture for failure of Athletic Club to comply with Act relating to boxing boxing matches	10	433
To institute action against railroads for failure to comply with orders of Railroad Commissioners	4	444
Unfair competition in buying, to prosecute action	2	7
—In selling, duty to prosecute	2	6
Automobiles, see Motor Vehicles.		
Bailment, Delivery of grain to warehousemen	38	80
Banks and Banking, Interest payable on public funds, see Public Moneys.		
Barges, see Steamboats.		
Bequests, State may take by	1	16
"Blue Sky" Law, see Investment Commissioner.		
Board of Examiners for Nurses, see Nurses, Professional.		
Board of Plumbing Examiners, see Plumbers.		
Boiler Inspector, see State Boiler Inspector.		
Bond Elections in School Districts, see Elections.		
Bonds, for highway and bridge purpose heretofore issued by counties, hereby legalized	1	481
Boundaries,		
Of Flathead, Missoula, Sanders Counties	2	59
Of Lincoln County, defined.	1	66
See, also, Counties under proper names.		
Boxing Exhibitions, see State Athletic Commission.		
Bounty Inspector, Office abolished, see Sheriffs.		
Brands, Change of, see Livestock.		
Bridges, see Highway Law.		
Broadwater County, Boundaries fixed	2	116
Brokers, see Investment Commissioner.		
Bureau of Agriculture, Labor and Industry, office abolished	6	109
Bureau of Child and Animal Protection, see State Bureau of Child and Animal Protection.		
Brokers, see Investment Commissioner.		
Carey Land Act Board,		
Duty as to salary of state engineer	1	463
Carriers, see Railroads.		
Cattle, see Livestock.		
Chattel Mortgages,		
What may be mortgaged	1	378
How to be executed	2	378
Nature of affidavit to be attached to	2	378
Who may execute, for firm of partners	3	378
Who may execute for corporations	3	378
To be filed in the office of the County Clerk and Recorder	4	379
Book entries to be made by Clerk	4	379
Life of	5	379
Renewal of, within what time	6	379
How renewed; affidavit to be filed	6	379
Affidavit of renewal may be made by agent, attorney, etc., when	6	379
Affidavit of renewal in behalf of corporation, may be made by whom	6	379
Duty of County Recorder on renewal of	6	380

HeinOnline -- 1913 624 1913

	Sec.	Page.
Effect of filing of renewal affidavit	7	380
Mortgage may be foreclosed, when	7	380
When subsequent mortgagees shall be subrogated to rights of prior mortgagees	8	380
Mortgaged personal property may be taken on attachment or execution, when	9	380
How proceeds of sale of mortgaged personalty sold under execution to be applied	9	380
Certified copy, prima facie evidence of what	10	381
Provisions to extend to instruments which are deemed mortgages	11	381
Foreclosure; action, how commenced and conducted; joinder of causes	12	381
May contain authority in sheriff to sell	12	381
Mortgagee may buy at sale	12	381
Sheriff may exact indemnity bond from mortgagee, when	12	381
Notice of sale; posting where	12	382
Sale, when to be held, postponement may be had	13	382
Report of sale; to be filed where; prima facie evidence of what	14	382
Satisfaction; filing and entry of	15	382
On growing crops; life of lien	16	382
Removal of mortgaged property from county; misdemeanor, when	17	383
Children,		
Certain acts upon bodies of, to constitute a felony	1	113
Employment of, prohibited, when	1101, 1102,	257
Cities and Towns,		
Annual salaries of mayors and aldermen in cities	Ch. 111, 1	453
Appointment of Plumbing Examiners	3	29
Bonds, notice of sale of, to State Land Board	Ch. 25, 1	25
Changing or altering ward boundaries, see Elections.		
Commission Form of Government.		
Cities may abandon after one year of trial	1	480
Petition for special election for submission of question of abandonment	1	480
If abandonment carries, who shall be officers	1	480
Rights and liabilities of city not to be effected by change	1	480
Sufficiency of petition, how determined, and election, how to be conducted	1	480
When form of government determined, the question deemed settled for two years	1	480
Crossings, see Railroads.		
Deposit of Funds, see Public Moneys.		
Mayor and aldermen of town not to receive compensation	1	453.
Park Commissioners.		
Board, creation of; members to be appointed by Governor	1	437
Qualifications; term of office	1	437
To constitute a department of city government	1	438
Oath of office; organization	1	438
Duties of president and vice-president	1	438
City clerk ex-officio clerk of board; duties	1	438
Annual report to show what	1	438
Minutes of Board, as evidence of what	1	439
Primary election law applicable to	4	571
Regulations of speed of motor vehicles superceded by Act	9	167
Sidewalks, and curbs, when council may lay or construct, manner of payment	20	406, 407
State Examiner to examine books and accounts of	1	365
To pay into State Examiner's fund, what sum	3	366
Who not eligible to office of mayor or alderman in cities	1	453
See, also, Elections under head "Corrupt Practices;" Intoxicating Liquors, Special Improvements.		
Intoxicating Liquors, Special Improvements.		
City Clerks,		
Duties as to registration of electors, see Elections.		
Duties of, relative to primary elections	4	571
Ex-officio clerk of Board of Park Commissioners	1	438
See, also, Elections under head "Corrupt Practices."		
City Council,		
Power of, relative to special improvements, see Special Improvements.		
City Engineer,		
Duties as to special improvements, see Special Improvements.		
City Treasurer,		
Deposit of City Funds; see Public Moneys.		

HeinOnline -- 1913 625 1913

	Sec.	Page.
Clerk of District Court,		
Duty of, as to suspended sentences	5	21
—In contest of primary election	29	586
—Relating to report of fines to county superintendent of schools	2012,	284
May take acknowledgments	1	9
To act in conjunction with county treasurer in destruction of skins of stock-destroying animals	1	421
To issue subpoena for witnesses failing to appear before public service commission	18	96
To report to State Sealer of Weights and Measures fines collected under Act	30	365
See, also, Fourteenth Judicial District.		
Clerk of Supreme Court,		
Attendant of court may act as clerk ..... Ch. 20,	1	20
Clerk of State Boiler Inspector, see State Boiler Inspector.		
Clerk of State Coal Mine Inspector, see State Coal Mine Inspector, or Coal Mine Inspector.		
Clerk of State Quartz Mine Inspector, see State Quartz Mine Inspector or Inspector of Quartz Mines.		
Commissioner of Agriculture and Publicity, see Department of Agriculture and Publicity.		
Commissioner of Labor and Industry, see Department of Labor and Industry.		
Commissioners of Irrigation Districts,		
Limitation of power to incur indebtedness	1	452
Commission Form of Government, see Cities and Towns.		
Communicable Diseases,		
Definition	1	15
Competition, see Unfair Competition.		
Constables,		
Residing in new county at time of creation, to continue in office	5	495
Constitution, Amendments,		
Woman's Suffrage,		
—Submission when	1	1
—Qualifications of Electors	2	1
—Who not entitled to vote	2	1
—Form of ballots	3	1
Taxation,		
—Increasing rate of for State purposes	1	461
—For what purposes proceeds of increase to be applied	1	461
—State Treasurer to keep one mill of increase in separate fund, for what purpose	2	462
—Form of ballot to be used	3	462
Convict Labor,		
Permitted on road work	10	324
Convicts,		
Suspended sentences, see Prisoners.		
Corporations,		
Acknowledgments, Curing defects	1	3
—Duty of person taking	1	2
—Form of	1	2
Appraisement of property within State	10	195
Penalty for unfair buying	3	8
Penalty for unfair selling	3	7
Redemption of property by stockholders, effect	1 (1, 2)	447, 449
Revocation of Charter for unfair competition in buying	2	8
Stockholder redeeming property sold on execution, procedure	2	449
Unfair competition in buying, definition	1	7
Unfair competition in selling prohibited	1	6
Unfair selling prohibited	2	8
Violation Corrupt Practices Act, procedure	50	614
Who may execute chattel mortgages in behalf of	3	378
See, also, Religious corporations.		
Corrupt Practices, see Elections under head "Corrupt Practices."		
Counties,		
Bond issues for highway and bridge purposes heretofore issued, legalized	1	481
Compensation for diseased slaughtered livestock, see Livestock.		
County Commissioners may levy tax for county fair purposes ..... Ch. 124	1	473

HeinOnline -- 1913 626 1913

	Sec.	Page.
County Treasurer to keep tax money for county fair in separate fund	2	473
Deposit of funds, see Public Moneys.		
Liable for compensation of Inspector of Weights and Measures	2 (b)	352
May appropriate money for payment of salary of Agricultural Instructor	1	451
Notice of sale of bonds to State Land Board..... Ch. 25	1	25
Officers,		
Appointment, term of office	1	4
Enumeration of ..... Ch. 112,	1	454
Salaries, in first class counties	2	454
—In second class counties	2	454
—In third class counties	2	455
—In fourth class counties	2	455
—In fifth class counties	2	455
—In sixth class counties	2	455, 456
—In seven class counties	2	456
—In eighth class counties	2	456
Sales of property owned by, legalized and validated	1	440
To pay transportation charge of applicant for admission to Soldiers' Home	1	425
See, also, Highway Law; Intoxicating Liquors; New Counties.		
County Appraisers, see Tax Commission.		
County Assessor,		
Duty as to valuation of school districts	2011	284
To assist county boards of appraisers	7	193
To issue certificate as to assessment of slaughtered diseased animals	4	135
See, also, Tax Commission.		
County Attorneys,		
Duty of, as to provisions of Act relative to sale of municipal bonds	1	25
Duty of, upon violation of Pure Seed Act	9–10	13
Must investigate violations of Dairy Act, when	3	309
Must prosecute game law violations	13	337
Must prosecute violations of Corrupt Practices Act	43	611
Railroad crossings, duty as to violation of act relating to	4	19
To aid in enforcement of public Service Act	24–30	98, 101
To institute action against railroads for failure to comply with orders of Railroad Commissioners	4	444
To institute condemnation proceedings for highway purposes	9	151
To prosecute actions for violation of grain inspection Act	17	72
To prosecute candidate failing to file financial statement of campaign expenses	11	599
To prosecute violations of Highway Law	16	157
See, also, Elections under head "Corrupt Practices."		
County Boards of Equalization, see Tax Commission.		
County Clerk and Recorder.		
Duties of, as to entries referring to chattel mortgages	14–15	382
—As to Highways, see Highway Law.		
—Relative to primary elections, see Primary Elections.		
—Relating to bounty certificates, and disposition of skins of certain stock-destroying animals	1	421
—Relative to initiative and referendum measure	1	130
—As to prevocation of nurses' certificates	15	87
Extension of mortgages, affidavit to be filed with	1	27
Fees for examining and destroying scalps on which bounty is paid	1	422
May take acknowledgments	1	9
Registration of Farms and Ranches, fee	1	82
Secretary of State to furnish list of registered chauffeurs	8 (2)	166
Secretary of State to furnish list of registered motor vehicles	2 (3)	163
To keep book for registering names of farms and ranches	1	82
To register certificates of professional nurses without fee	8	85
See, also, New Counties.		
County Commissioners,		
Authorized to appropriate money for teachers' institute fund	1005	255
Duties of, As to registration of electors, see Elections.		
—As to claims for slaughtered diseased cattle	4	135
—As to Highways, see Highway Law.		

HeinOnline -- 1913 627 1913

	Sec.	Page.
County Commissioners—Continued.		
—With relation to state highway commission, see State Highway Commissioner.		
—As to railroad crossings	2	129
—As to Liquor licenses, see Intoxicating liquors.		
May levy tax for school district warrants, when	405 (5)	220
Must allow compensation of county appraisers	5	193
Must approve securities for deposits of county funds	1	590
Must fill vacancy in office of county superintendent of schools	300 (5)	211
Must supply county clerk with sufficient help for registering electors	40	191
To appoint members of board of trustees of county high schools	2104	298
To make special levy for payment of outstanding school indebtedness	2026	291
Vacancy in office of, how filled	1	4
See, also, Highway Law; Counties; New Counties.		
County High Schools, see School Law.		
County School Superintendents, see School Law.		
County Surveyor,		
Duties as to Highways, see Highway Law.		
To prepare map of election precinct after alteration of boundaries	5	172
County Treasurer,		
Creation of new school districts, duties	404 (4)	219
Deposit of county funds, see Public Moneys.		
Duties as to school funds	2010	284
—as to tax sales of lands within irrigation districts, see Irrigation Districts.		
—in relation to motor licenses collected	3	138
—when employees refuse to pay road tax	4	142
—as to payment of school bonds and interest thereon	2022	289
Employers to furnish lists of employees for road tax purposes	3	141
To act in conjunction with county clerk in destruction of skins of stock-destroying animals	1	421
To collect taxes due on special city improvements, when	27	411
To furnish to employers road tax receipts	3	142
To keep tax money for county fair in separate fund	2	473
Courts,		
Who cannot be witnesses, in	1	57
Creameries, see State Dairy Commissioner.		
Credit or Liability Insurance, see Insurance Companies.		
Crops,		
Chattel mortgages on; life of lien	16	382
Crossings, see Railroads.		
Dairying and Dairy Products, see State Dairy Commissioner; State Sealer of Weights and Measures.		
Dams,		
Fish ladders to be constructed at	7	332
Dead Animals,		
Leaving near Highway, penalty	14	156
Deeds,		
Acknowledgements, may be made before whom	1	9
Record, curing defects	1	3
See also Acknowledgements.		
Deer, see Game and Fish.		
Delegates to National Conventions, see Elections under head of "Preferential Primaries for President and Vice-President."		
Department of Agriculture and Publicity,		
Creation of	1	108
Commissioner,		
Appointment of	1	108
Duties imposed	2	109
May appoint clerk and stenographer—salaries of same	3	109
Office at Capitol; records to be kept there	4	109
Salaries and expenses, how to be paid	4	109
Salary fixed	5	109
Shall execute bond to be approved by Governor	1	109
To act in conjunction with Dairy Commissioner, in what	3	309

HeinOnline -- 1913 628 1913

	Sec.	Page.
Department of Labor and Industry,		
Creation of; to consist of whom	1	106
Commissioner,		
Appointment by Governor	2	106
May appoint clerk and stenographer	2	106
May be removed for what	2	106
May incur such expenses as necessary, limit of	7	108
Nature of duties	3	107
Office at Capitol	6	107
Power to administer oaths, enter factories, etc.	5	107
Refusal to give information to, misdeeanor	5	107
Report published biennially	10	108
Salaries and expenses, how paid	6	107
Salaries of commissioner and assistants	8	108
To collect statistics and make annual report	4	107
To give bond	2	106
Devises,		
State may take by	1	16
Discrimination, see Hospitals; Unfair Competition.		
Diseases,		
Contagious and infectious, of cattle, see Livestock; see also Communicable Diseases.		
District Courts,		
Actions against Public Service Commission to have precedence	26	99
Boundaries of Tenth District	3	112
Chambers of additional Judge for Fourth District, where	1	14
Clerk may take acknowledgments	1	9
Compensation of additional Judge for Fourth District	3	14
Creation of Fourteenth District	1	112
Duty as to proceedings to locate grain elevators on railroad rights of way, see Grain Elevators.		
—Of, in action against corporation for unfair buying	2	8
—In action against corporations for unfair selling	2	6
—On hearings of primary election contests	29	586
Judges to fill vacancies in county offices	1	4
Jurisdiction of offenses against school laws	1910	279
Liquor licenses; appeal to	3–3A	49, 50
New counties, to be attached to judicial districts by Governor	5	496
Not to grant injunctions, when Ch. 28,	1	28
Proceedings under Corrupt Practices Act to have precedence	52	614
Provision for additional Judge for Fourth Judicial District	1	14
Suspended sentences, power of court	1	20
Territory embraced in Ninth District	2	112
When incorrigible inmates of Industrial Schools to be sent to Reform School	1907	278
Ditches,		
Construction over highways, procedure	8	155
Donations,		
State may take by	1	16
To Educational Institutions, how made	111	206
Drains and Ditches, see Highway Law.		
Druggists,		
Weights and Measures to fall within provisions of inspection of Weights and Measures Act	14a	360
Educational Institutions,		
Amendment to Constitution relative to increase of rate of taxation for benefit of	1	461
See, also, School Law; State University and various State Institutions.		
Elections,		
Amendment to Constitution, see Constitution.		
Corrupt Practices,		
Campaign for Nomination,		
Limit of expenditures	1	593
What contributions by others deemed candidate's	1	593
Campaign literature, what it may consist of; filing with Secretary of State	2	2
Condition precedent to secretary filing statement	2	593
Opposing statements, to be filed when	2	594
Libelous statements; civil and criminal liability	2	594
Campaign books, cost per page for different officers	3	594
—limit of space for each candidate	3	594
—Secretary of State to compile and have printed	4	594
—how to be arranged	4	594

HeinOnline -- 1913 629 1913

	Sec.	Page.
Elections—Continued.		
—number to be printed and when to delivered	4	595
County Clerks to mail to secretary names and addresses of registered electors	5	595
Campaign book, Secretary of State to mail to each elector	5	595
—size of	5	596
—Statements, in, to contain authority therefor	5	596
Campaign for Election,		
Campaign book, compilation and duties of secretary	6-7	596
—fees to be paid to secretary for each printed page	7	596
Limit of campaign expenses	8	597
What contributions of others deemed those of candidate,	8	587
City Elections,		
Campaign pamphlet, payment per page, to whom	9	597
—who shall compile	9	597
—to be mailed by city clerk to each voter	9	598
To what cities Act not applicable	9	598
Definitions of terms used in Act	10	598
What expenditures excepted	10	599
Financial Statement,		
To be filed by candidate, with whom	11	599
What statement to contain	11	599
Failure to file, a misdemeanor	11	599
County attorney to be notified by whom, of failure to file	11	599
Treasurers of committees and others to file, with vouchers	12	600
Secretary of State, county clerks, etc., to examine statement and notify person of shortcoming	14	601
Who may make complaint of incorrectness	14	601
Failure to file; course to be pursued by officers	15	602
—what court has jurisdiction of violations of Act	16	602
To be preserved for what time	17	602
Publication in annual report of secretary, county and city clerks	17	602
Form of	54	615
General Provisions,		
Books of account of committees, etc., open to whose inspection	12	601
Secretary of state to mail copies of Act, to whom	13	601
Payment of money in another's name prohibited	18	603
Promises of appointment to office forbidden	19	603
Contributions by office-holders prohibited; exceptions	20	603
Certain public officers prohibited from becoming delegates to conventions	21	603
Transfer of convention credentials prohibited	22	603
Prevailing upon person not to become candidate for consideration, prohibited	23	603
Solicitation of contributions for certain purposes prohibited	24	603
Contributions by corporations forbidden	25	604
Treating, making gifts, etc., forbidden	26	604
Procedure upon challenging of elector	27	605
Exercise of coercion, or undue influence, punishable	28	605
Betting and wagering on result of, unlawful	29	606
Repeating, personation, etc., a felony	30	606
Who to be deemed guilty of	31	606
What taken to be evidence of	31	606
Paying persons for attending polls unlawful	32	607
Wearing of badges, buttons, etc., forbidden at polls	32	607
Insertion in newspapers of what matter, prohibited	33	607
Paid political editorials forbidden	33	607
Soliciting votes on election day prohibited	34	607
Circulating anonymous bills unlawful	35	608
What constitutes political criminal libel	35	608
Defense to action for libel, what constitutes	35	608
Names of candidates not to be printed on ballot until when	36	608
Vacancies occasioned as above, how filled	36	609
Certificates withheld until statements filed	36	609
Person becoming candidate from unworthy motive, injunction	37	609
Punishment for person becoming candidate for venal purpose	37	609
Contests,		
Because of alleged corrupt practices	38	609
Slight or trivial offenses not sufficient to deprive of office	38	610
Removal from office if guilty	39	610
When to be commenced	40	610

HeinOnline -- 1913 630 1913

	Sec.	Page.
Petition to be filed in what county	41	611
Person found guilty ineligible to office for what time	42	611
On ground of illegal votes, decree	44	611
Grounds of	45	612
On ground of illegal votes, when incumbent not to be ousted	46	612
Illegal votes; duty of contestant	47	612
Contents of petition	48	612
Contestant to give bond	48	612
Costs recoverable	48	61
Court procedure	48, 49	613
Duty of Court to certify decree to whom	49	613
Ouster, to whom office to be awarded	49	613
County Attorney must prosecute; failure a misdemeanor	43	611
Violation of Act by corporation,—procedure	50	614
Violations of Act not otherwise provided for, punishment	51	614
Court proceedings under Act to have precedence	52	614
Violations; complaint not to be dismissed without consent of county attorney	52	614
—court proceedings; immunity of witnesses	52	614
—Complaint, form of	53	615
Person making false oath, guilty of perjury	55	616
Identity of elector, proof of, when	1	19
Initiative and Referendum,		
Duty of secretary of state in premises	1	130
Form of ballots to be used	1	130
Title of measure, limit of number of words	1	130
Numbering of measures	1	130
Designation of initiative measure	1	130
Marking of ballots	2	130
Sample ballot	2	131
Limit of title on ballot	2	131
Preferential Primaries for President and Vice President,		
When to be held and what laws to govern	1	590
How electors to indicate choice	2	590
Form of ballot	2	590
How votes to be counted, canvassed and returned	2	590
Delegates to national conventions to be nominated at	3	590
Governor's certificate of election of delegates, to show what	3	591
Nominating petition for delegate, to contain what number of signatures	3	591
Number of delegates to be voted for	3	591
Number of presidential electors to be nominated	3	591
Delegates to receive traveling expenses from state treasury; limit of	4	591
Election of delegates to be certified, how	4	591
Delegates must take oath of office	4	592
Campaign books, right of parties to number of pages in	5	592
—limit of space for each candidate	6	592
—charge per page	5, 6	592
—Candidates for president and vice-president not to be charged for space	6	592
Primary,		
Construction of Act	1	570
Time for holding, preceding general elections	2	570
Notice of; duty of county clerk	3	570
Applicable to municipal elections, when	4	571
Duty of city clerk in city elections	4	571
Procedure,		
Counting of ballots	5	572
Ballots, how disposed of after count	5	572
Tally sheets, form of	6	572
How tally sheets to be kept	6	572
Preparation of certificate showing votes received by candidates	6	573
Poll books, tally sheets, etc., to be sealed and returned to county clerk	7	574
Boxes containing poll books, etc., not to be opened until when	7	574
Party nominations to be made exclusively as directed in Act	8	574
Use of party name forbidden to others than nominees of party	8	574
Petition for nomination,		
Where to be filed	9	575
Form of and contents	10	575
Of candidates for senate or house, to be accompanied by what statement	10	576
Signatures of electors, verified how	10	577
Percentage of electors who must sign	11	577

HeinOnline -- 1913 631 1913

	Sec.	Page.
Elections—Continued.		
—necessary in case party not represented at last election.	11	577
—in case of county or city election	11	577
—in election for state or district officers	11	577
—in election for office in congressional district	11	577
In general elections whole number need not exceed what.	11	578
What signatures unlawful	11	578
Unlawful signatures not to be counted	11	578
Persons who may not sign or vote	12	578
Time for filing, where	13	578
Secretary of State, county and city clerks to keep "register of candidates"	14	578
Register of candidates, what entries to be made in	14	578
Register, poll books, etc., to be public records	15	579
Public records to be preserved, how long	15	579
Vacancies, how filled	16	579
Secretary of State to certify nominations to county clerk, when	17	580
County and city clerks to certify nominations, and print sample and official ballots	18	580
Supplies to be paid for, how	19	580
County Clerks to furnish register and check list to election judges	19	581
Form of ballot	20	581
Procedure when person nominated on several tickets	20	581
Manner of voting	20	581
Number of ballots, sample and official, to be furnished.	21	582
United States senator, names of candidates to be placed on ballot	22	581
Return on vote of United States Senator, how to be made	22	582
County Clerk to make abstracts, how	23	582
County Clerk must certify nominations; other duties	23	583
Procedure on tie vote for county or precinct office	23	583
Compensation of judges and clerks of election; how paid.	23	583
Who to be deemed nominated	23	583
County Clerks to transmit copy of extract to secretary of state	24	583
Secretary of State must canvass vote, in presence of whom	24	584
Governor to grant certificate of nomination to whom	24	584
Procedure on tie vote	24	584
Duty of supreme and district courts in case of error, wrong, etc., in proceedings	25	585
Secretary of State may send for returns, when	26	585
County clerk may send returns by telegraph	26	585
Official misconduct, penalty	27	585
Contests,		
Notice of, how given	28	585
Service of Notice; duty of Clerk of Court	29	586
Hearing, when to be had and where	29	586
For precinct office, procedure	30	586
Court procedure; technicalities to be disregarded; judgment.	31	586
Committeemen; how elected	32	586
—powers; term of office; vacancies, how filled	32	587
County and city central committees; duties and powers	32	588
Violation of Act by candidate; penalty	33	588
State Central Committee and certain candidates to formulate platform	34	588
Offering or accepting bribe in matters pertaining to, a misdemeanor	35	588
Offenses punishable under Act	36	589
Forging names to petitions, penalty	37	589
Suppressing or failure to file nomination papers, a misdemeanor	37	589
Provisions of general election laws applicable to Act	38	589
Registration.		
Necessary to right to vote	1	19
County clerk ex-officio county registrar	1	171
County commissioners to establish election precincts	2	171
County commissioners or school trustees may change boundaries of precincts, when	3	171
Precincts to be numbered	3	171
City council may alter ward boundaries, when	4	171
City clerk must certify to county clerk change in ward boundaries	4	171
County surveyor to prepare map of changed precinct	5	172
Cities to furnish maps of wards after alteration	6	172
County clerk to keep precinct registers	7	172
During what hours	7	172
One registration sufficient, unless not voting at general election	7	172, 173
Close of registration, duty of clerk	7	173

HeinOnline -- 1913 632 1913

	Sec.	Page.
Issuance of certificate, form of	7	173
Books to be provided, form of	8	173, 174
Precinct and ward registers, form of	9	174
Precinct registers, what to contain	10	175
Refusal to answer questions, clerk need not register	10	175
Oath to be subscribed by person registering	11	175
When elector entitled to registration	12	176
Foreigners, procedure when registering	12	176
Affidavits signed by electors, disposition, and proof of what	13	177
Alphabetical arrangement and numbering of names in registers	14	177
Where electors to be registered	15	177
Duty of justices and notaries in registering electors	15	177
Compensation of justices and notaries	16	178
Transmission of registrations by notaries and justices, manner of	16	178
Elector may have registration cancelled, when and how	17	178, 179
Duty of clerk on cancellation	17	179
Re-registration after cancellation, manner of	17	179
Elector moving from one county to another, transfer	17	179
When electors must personally appear before clerk	18	180
Transfer procedure, duty of clerk	17	179
Clerks to send certificate to Secretary of State	18	180
Close, clerk to send certificate to secretary of state	18	180
Books closed for one election, to remain open for others	18	181
Posting and publication of notice of closing of	18	181
Clerk to cancel names, when	19	181, 182
Manner of cancellation	19	182
Challenges, Filing of, when; to be entered where	20	182
—duty of judges of election on challenges	20	183
Residence,		
How determined	21	183
Persons in service of United States, students, etc.	21 (2)	183
Persons in United States Navy and Army	21 (3)	184
Leaving home temporarily, temporary residence	21 (4, 5)	184
Loss of, by removal from state, when	21 (7, 8)	184
Presumed residence, where family resides	21 (8)	184
One residence only; change, how made	21 (9)	184
Term of, how computed	21 (10)	184
Persons on Indian or Military reservations	21 (11)	184
General Provisions,		
Foreigners, naturalization papers to be produced	22	185
—lost papers, how proved	22	185
—naturalization papers, when re-exhibition not required	22 (3)	185
Manner of preparation of precinct books by clerk	23	185
Clerk to print list of electors; posting and furnishing of copies	24	185, 186
County clerk to furnish lists to city clerk	25	186
Clerk to furnish list to clerk of school district	25	186
Certified list of electors to be furnished judges of election	25	
Judges of Election,		
—To mark cross opposite name	26	186
—Elector to sign precinct register before voting	26	187
—Elector unable to write, procedure	26	187
—Transmittal of election returns, books, etc., within what time	26	187
General Provisions,		
Clerk shall mark elector as voted, within what time	27	187
Clerk to copy names into precinct registers	28	188
When precinct registers to be closed to registrations	28	188
What shall constitute official registers after January, 1915	28	188
County clerk to receive what fee from cities and school districts for service	29	188
Clerk may furnish copies of lists to applicants, fee for same	30	189
County clerk to procure registers for city and school districts at their expense, when	31	189
Proceeding to compel registration	32	189
Special elections, new registration not required	33	189
Duty of County Clerk in special elections	34	189
Elector cannot vote if not registered	35	189
When voter to prove identity	35	190
Powers of deputy county clerks	36	190
Failure of officers to perform duties; penalty; conviction, effect	37	190
Judges to administer oath to voter at primary election, when	38	190
Offering to vote at different polling places, misdemeanor, when	38	190
Violations of Act, penalties; felonies	39	191

HeinOnline -- 1913 633 1913

	Sec.	Page.
Elections—Continued.		
County commissioners must supply clerk with sufficient help	40	191
Women, names of not to be registered when	41	191
Bond elections, to apply to, in first and second class school districts	42	191
School elections, registration unnecessary	1	20
Submission of question of woman's suffrage, see Constitution.		
United States senator, representative and state senators to vote for candidate receiving highest popular vote	1	617
See, also, New Counties.		
Elevators,		
See Grain Elevators and Warehouses.		
Elk, see Game and Fish.		
Employer and Employee,		
Children's employment prohibited	1101, 1102	257
Hours of labor for women, see Women.		
Liability of employer for damages occasioned by intoxicated driver	5	158
Penalty for employing intoxicated driver of vehicles	2, 3	158
See, also, Highway Law under head of "Taxation and Revenue;" Street Railways.		
Engines,		
Operated by gas, oil, etc., Horsepower, how computed Ch. 125,	1	473
—horsepower and shop number to be marked on, how and where Ch. 125,	1	474
—owner may require State Boiler Inspector to determine horsepower; fee	2	474
—inspector to issue certificate showing what	2	474
—selling without complying with requirements of Act, or misrepresenting capacity, a misdemeanor	3	474
Entomology, see State Board of Entomology.		
Escheated Property,		
Action to be brought by claimant within one year from passage of act, when	1	483
Petition, service upon whom; court procedure	1	483
What claims barred by lapse of time	1	483
Who may file claim to, where and within what time	1	483
State Auditor to draw warrant, when	1	483
Estates of Deceased Persons,		
Heirship,		
Determination of	1	104
Procedure; complaint, time for filing	1	104
Complaint, service of copy	1	104
Answer, time for filing	1	105
Entry of default, when	1	104
New trial and appeal	1	105
Distribution,		
Among whom	2	105
Where heirs are foreigners	2	105
Executors and administrators, statement of accounts	2	106
See, also, Escheated Property, Executors and Administrators.		
Evidence, see Witnesses.		
Execution,		
Exemptions from attachment and	1	81
Redemption of real estate from sales on, see Real Property.		
Executors and Administrators,		
Accounting by, when and by whom may be had Ch. 122,	1	470
See, also, Estates of Deceased Persons.		
Executive Residence,		
Provision for procuring, furnishing and maintaining same	1-3	87, 88
Exemptions,		
From attachment and execution	1	81
Express Companies,		
Unlawful shipping of game fish, see Game and Fish.		
Fairs,		
County commissioners may levy tax for purposes of Ch. 124,	1	473
See, also, State Fair.		
Farms,		
Registration of Farms, certificate and fee	1	82

HeinOnline -- 1913 634 1913

	Sec.	Page.
Farriers, see State Board of Veterinary Medical Examiners.		
Felonies,		
Bribing of Grain Inspectors	14	71
Failure of school trustee to pay bond money into treasury	2024, 2037	289, 295
Forging names on petitions for primary election	37	589
Investment Companies or brokers publishing false statements	21	376
Lewd acts upon body of child	1	113
Making false affidavit to bounty claims	1	421
Official misconduct in primary elections	27	585
Perjury at school elections	702 (11)	229
Repeating, personation, etc., at elections	30	606
Swearing falsely under provisions of Corrupt Practices Act	55	616
Violation of act prohibiting sale of game except in certain instances	4	437
Violations of registration law	39	191
Females,		
Age of consent	1	15
Fences,		
Legal fence defined	1	127, 128
Ferry Boats, see Steamboats.		
Finance and Revenue, see Public Moneys; School Law; Taxation; Tax Commissioner.		
Fines, See subject to which they relate.		
Firearms, see Guns.		
Fire Marshal,		
State Auditor may appoint special deputy, when	1	427
—without compensation	1	428
Compensation of special deputy	1	427
Expenditures for special deputy to be charged to Fire Marshal's office	1	428
May order buildings repaired or torn down, when	2	428
May order combustible or explosive materials, etc., removed from buildings, when	2	428
Above order to be served upon whom and how	2	428
Fish and Game, see Fish Car; Fish Hatcheries; Game and Fish.		
Fish Car,		
Appropriation for purchase of	4	551
Fish Hatcheries,		
Appropriation for maintenance and operation	1-3	551
United States may conduct, within state	1	8
See Game and Fish under head of "Montana Game and Fish Commission."		
Flathead County,		
Boundaries of	1	58
Forestry School,		
Establishment at University of Montana	1	482
Title of	2	482
State Board of Education to prescribe rules, courses of study, etc	3	482
Appropriation for	4, 5	482
Fourteenth Judicial District,		
Creation and fixing of boundaries	1	112
Not to affect clerks of district courts of Meagher or Broadwater counties	6	113
Duties, powers, compensation and term of judge	5	112
See, also, District Courts.		
Fraternities, secret,		
Prohibited in schools	701	241
Freight Rates,		
Joint apportionment among connecting roads, see Railroads, under head "Platforms, Station Houses, Road Connections, etc."		
Fruit or Plant Diseases, see Insect Pests.		
Gallatin County,		
Boundaries of, fixed definitely	1	113
Game and Fish,		
Deer, may be killed when	31	342
—number that may be killed by one person	31	342
—violation of act permitting killing of certain, misdemeanor	31	342

HeinOnline -- 1913 635 1913

	Sec.	Page.
Game and Fish—Continued.		
Elk not to be killed before October, 1918, where	2	45
Free or reduced transportation of persons and game not prohibited under act	30	342
"Game and Fish" definition	1	327
Catching fish except with hook and line, prohibited	2	327
Catching with seine permitted, when and where	2	328
Seining license, nature and purpose of	2	328
—form of	2	329
—person to make report to Game Warden	2	328
—to be refused, when	3	329
Penalty for violation of seining provision	2	329
Owner of private ponds, to take out license	4	330
—to report to Game Warden, what	4	330
—Violation of act by	4	330
Limit of number and quantity of game fish to be caught or be in possession of person	5	331
Dumping sawdust or ashes into streams prohibited	6	331
Fish ladders to be constructed at dams; penalty for refusal	7	332
Unlawful shipping of game fish	8	332
Limit of fish to be shipped by owner of license	8	332
Licenses,		
Unlawful to fish or hunt without license	9	332
Expire when Ch. 31,	1	43
Classes into which divided	9	333
Non-resident's license	9 (3)	333
Foreigner's license	9 (4)	333
To contain what	9 (4)	334
Non-resident having game in his possession, without license, misdemeanor	9 (4)	334
Who deemed "resident" for purposes of Act	9 (4)	334
Violation of section relating to, misdemeanor	9 (4)	334
Manner of issuing; application and requirements	10	335
Catching or killing for scientific uses; procedure	11	335
Temporary receipts for fee unlawful	12	336
When official receipts proper in lieu of license	12	336
Moneys to be paid in Game and Fish Fund	17, 28	338, 341
Duty of Warden, deputies and peace officers to enforce law	13	336
Seizures,		
Who may make	14	337
Of game and fish, how disposed of	15	337
Sales; certificate to be issued to purchaser	16	337
Disposition of proceeds of sale	17	338
Officers not liable for damage	17	338
Warden and deputies to keep record of	18	338
Game Warden,		
Duties in issuing licenses, see sub-head "Licenses."		
—relative to licenses for owners of private ponds	4	330
—relative to seining license	2, 3	328, 329
Duty of, as well as deputies and peace officers, to enforce game law	13	336
Power to make search and seize game and fish	14	337
To establish stations for taking eggs from fish	29	341
To furnish plans for fish ladders	7	332
See, also, State Game Warden.		
Gun license from aliens, see Licenses.		
Killing of ewe or lamb Rocky Mountain Sheep, prohibited	1	45
Montana Game and Fish Commission,		
Who shall be members; appointment	19	339
Must qualify; no compensation, except what	20	339
Organization; duties of officers	21	339
Power to locate, construct, etc., fish hatcheries	22	339
To let contracts for construction of hatcheries	23	340
To have supervision and control of hatcheries	24	340
Superintendent of Fish Hatcheries; duties and compensation	25	340
Payment of expenses and salaries, how	26	340
Superintendent of Fish Hatcheries, power to purchase fish eggs	27	340
Number of Elk, etc., which may be killed by one person	1	45
Open season for Elk, Rocky Mountain Sheep and Rocky Mountain Goat	1	45
Sale,		
Permitted when	1	436
Persons offering or having in possession, to keep record, showing what	2	436
What to constitute sufficient compliance with act in case of hotel and restaurant keepers, etc.	2	436
Person offering for, to produce shipping receipt on demand	3	436

HeinOnline -- 1913 636 1913

	Sec.	Page.
Person guilty of violation of act deemed guilty of felony..	4	437
Definition of word "sale" ..... Ch. 126,	1	475
Definition of "game," "Game birds," "merchant," etc.	5	437
Taking eggs from fish; duty of Warden to establish stations for	29	341
—persons prohibited from fishing where	29	341
See, also, Fish Hatcheries; Fish Car.		
Game Preserves,		
Sun River Game Preserve, boundaries.....	1	46
Permits to kill certain animals.....	2	47
Unlawful to hunt in	2	47
Violation of act, penalty.....	2	47
Garbage,		
Dumping near highway, penalty	14	156
Garnishment, see Execution.		
Gasoline Engines, see Engines.		
General Highway Law, see Highway Law.		
Gettysburg,		
A.....versary of Battle of, see Anniversary of, etc.		
Gifts and Donations,		
State may take by	1	16
To Educational Institutions, how to be made.....	111	206
Glandered Horses, see Livestock.		
Governor,		
Appointments,		
Additional judge for Fourth District.....	2	14
Board of Examiners for nurses	2	82
Board of Park Commissioners in certain cities	1	437
Chief Grain Inspector	2	67
Clerk to State Boiler Inspector	3	33
Commissioner of Agriculture and Publicity	1	108
Commissioner of Labor and Industry	2	106
Commission on Anniversary of Battle of Gettysburg.....	1	56
Commissioners to adjust indebtedness of new counties....	6	496
Deputy State Coal Mine Inspector	1	502
Grain Grading Commission	35	79
Grain Inspector at railroad terminals outside of state...	37	80
Highway Commissioners, three	1	318
Judge for Fourteenth Judicial District	4	112
Local Executive Boards of State Educational Institutions..	107	201
Members of Game and Fish Commission	19	339
Members of State Athletic Commission ..... Ch. 97,	1	429
Members of State Board of Education	101	199
Members of State Board of Poultry Husbandry	1	135
Members of State Board of Veterinary Medical Examiners	1	344
Members of State Text Book Commission.....1800		269
Parole Commissioner	1	13
Secretary to Department of Grain Inspection	11	70
State Boiler Inspector	1	32
State Dairy Commissioner	1	307
State Tax Commissioner	2	192
Superintendent and assistant for State Insane Asylum...	3	110
Supervising and assistant grain inspectors and weighmasters	5	68
Three assistant boiler inspectors	3	33
Warden of State Prison	1	9
Board of Examiners for nurses, vacancies to be filled by..	3	83
Miscellaneous Provisions,		
Executive residence, appropriation for procuring, maintaining and furnishing	2, 3	88
Grain Inspector to fix fees with approval of	8	70
May declare bond of contractor for text books forfeited, when 1805		273
May revoke nurse's license, when	15	87
Member of State Board of Commissioners for Insane.....	1	110
Member of State Board of Education	100	199
Member of State Tax Commission	1	192
President of State Board of Education	103	199
Salary, increase	1	23
Shall establish grain inspection points in state	39	80
Shall formulate rules and regulations for grain inspectors	37	80
To approve bond of commissioner of Agriculture and Publicity	1	109
To approve bond of commissioner of Labor and Industry..	2	106
To assist in canvassing returns of primary elections	24	584
To attach new counties to judicial districts	5	496
To fill vacancies on local executive boards of state institutions	107 (8)	203

HeinOnline -- 1913 637 1913

	Sec	Page.
Governor—Continued.		
To issue license to professional nurses, when	1, 10	82, 86
To prescribe rules to localize and eradicate insect pests	2	117
To procure quarters for records of Grand Army	1	43
To quarantine districts infected with insect pests	1	117
When to proclaim quarantine against diseased cattle	1	418
Grain, see Montana Grain Laboratory; Seeds.		
Grain Elevators and Warehouses,		
Erection, on Railroad Right of Way	1	60
Application and contents	1, 2	60
Application, acceptance or rejection, notice by railroad	2	61
District Court; to determine quantity and location of land	1	60
—To determine compensation, when	2	61
—Proceedings in, when parties disagree	3	61
—Findings, acceptance or rejection, election to be made by parties	3	62
—Judgment and execution	3	62
—Appeal from judgment of	4	62, 63
—Appeal not to stay judgment, when	4	62
—Payment of costs	4	62
When right to locate absolute	1	60
Proceedings when parties cannot agree as to location, etc.	1	60
When erection to be commenced and when completed	6	63
Duty of railroads to connect and construct sidetracks	7	63, 64
Cost of sidetracks and connections, paid by whom	7	63
On Right of way, where	7	64
State Grain Inspection Department,		
Creation of	1	67
Chief Grain Inspector,		
Appointment, term of office, qualifications	1	67
Duties	3	67
To make rules and regulations	3	67
Must keep records of inspections, etc.	3	67
Must investigate complaints	3	68
Oath and bond of office	4	68
To recommend to Governor supervising and assistant inspectors	5	68
Has supervision over subordinates	6	68
Must furnish standard samples of grains on request	7	69
May fix fees where not established	8	70
To report to State Auditor, when	10	70
To issue licenses to public warehousemen	19	72
See further duties below.		
Supervising and assistant inspectors and weighmasters, must report to Chief Grain Inspector	6	68
—Oath of office and bond	6	69
—Duties	5	68
Fees for inspection, weighing, etc.	7	69
Weighing of grain and cars	7	69
Fees where not fixed, Chief Grain Inspector may fix	8	70
Certificate of weight to be furnished to shipper	8	70
Fees to be paid into State Treasury	10	70
Lien on grain for inspection and weighing charges	9	70
Salaries and expenses	11	70
Secretary to Department of Grain Inspection, appointment	11	70
Salaries, etc., Chief Grain Inspector	11	70
—Assistants and weighmaster	11	70
—Secretary	11	70
Neglect of duty by officers, penalty	12	70
Weighing and inspection to be done by whom only	13	71
Bribery of officers a felony	14	71
Dissatisfied shippers, appeal to standing committee	15	71
—Decision of standing committee final	15	71
—Fees of standing committee paid in advance	15	71
—Successful appeal, return of fees	15	71
Grain may be sold by sample regardless of grade	16	71
Act not to change liability of warehousemen	16	71
Attorney General, ex-officio attorney for State Grain Inspection Department	17	72
Criminal prosecutions, by whom	17	72
Warehouses and Warehousemen,		
Warehouses defined	18	72
Public warehouseman defined	18	72
Warehousemen must procure license	19	72
Warehousemen,		
License, Chief Grain Inspector to issue	19	72
Licenses, revocation, when and how	19	72
Bond, conditions and filing fee	20	72

HeinOnline -- 1913 638 1913.

	Sec.	Page.
Transacting business without license, penalty	21	73
Must receive grain without discrimination	22	73
Inspection and weighing of grain received	22	73
Charges for inspection and weighing to be paid by	22	73
Receipts to be issued, when	23, 24	74
—what to contain	23, 24	74
—to be consecutively numbered	24	74
—when lost or destroyed, procedure	24	74
—regulating issuance of	25	74
—cancellation, when	25	74, 75
—consolidating and dividing	25	75
—issuance of	25	74, 75
—legal liability of warehousemen not to be limited in	26	75
—surrender of, grains to be delivered when and where	27	75
—refusal to deliver grain, liable for damages	27	75
Must report to Chief Grain Inspector	28	75
Records to be kept by	29	76
Shippers may examine property stored	30	76
Scales, fee for examination of	30	76
—to be subject to examination	30	76
—penalty for using defective	30	76
Dissatisfied owner, may withdraw grain, when	31	77
—removal of grain, duty of railroad	31	77
—liability of warehousemen for storing grain after notice of withdrawal	31	77
Agreement between carrier and warehouseman contrary to directions of shipper unlawful	32	77
Rates to be published annually	33	77
Charges for storing grain fixed	33	78
Charges for cleaning grain fixed	33	78
Responsible for fire loss	34	78
Responsibility for heating of grain, when	34	78
In what order grain to be disposed of	34	78
Grain out of condition, notice to shipper	34	78
Responsibility for negligence	34	79
Grain to be delivered to owner only	34	79
Grain out of condition may be sold by warehouseman, when	34	79
Grain Grading Commission, appointment and duties	35	79
—publication of grade of grain	35	80
—compensation and expenses	35	80
—statement of weight of grain to be sent to shipper, when	36	80
Governor may appoint inspectors at railroad terminals	37	80
Salary of inspectors at railroad terminals	37	80
Delivery of grain to, when bailment and not sale	38	80
Governor to establish grain inspection points in state	39	80
Appropriations for carrying provisions of Act into effect	40	81
Grand Army of the Republic,		
Custodian of Records, appointment Ch. 32,	1	43
Expense of collecting records, appropriation	4	44
Records and property to become property of state when	3	44
Room in Capitol for storing records Ch. 32,	1	43
Salary of Custodian	4	44
Use of room set apart for records	2	44
See, also, Anniversary of Battle of Gettysburg.		
Guide Boards, see Highway Law.		
Guns, License from aliens, see Licenses.		
Hail and Cyclone Insurance, see Insurance Companies.		
Health Insurance, see Insurance Companies.		
Heirship, see Estates of Deceased Persons.		
High Schools, see School Law.		
Highway Commission, see State Highway Commission.		
Highway Law,		
Highway, what to include	2	139
"Public Highways"—definition	3	139
Classification, into "main" and "common" highways	4	140
Public Highways to remain until abandoned	5	140
How main and state highways may be abandoned	5	140
Widths of public and private highways; present roads excluded	6	140
Public acquires right of way by taking or accepting land for highways	7	140
Taxation and Revenue,		
Road and poll taxes, amounts and when due	1	140
Cities and towns excepted from tax levy, when	1	141
Moneys collected turned into what fund	1	141
Bonds may be issued, limit of indebtedness	2	141
Bonds, proceedings looking to issuance of	2	141

HeinOnline -- 1913 639 1913

	Sec.	Page.
Highway Law.—Continued.		
Employers to furnish list of employees for road tax purposes	3	141
Refusal to furnish list of employees, penalty	3	141
County treasurer to furnish tax receipts to employers	3	142
Employee refusing to pay road tax, liability of employer	4	142
Road Districts and Duties of Officers,		
Duty of County clerk as to keeping minutes of board of commissioners	1	142
Duties of county surveyor	1	142
County commissioners		
—duties of with reference to	2	142, 143
—to survey, lay out and maintain highways, erect guide posts	2	142, 143
—establish districts and direct supervisors	2	142
—duties in opening highway	1–19	147–153
—to provide and keep up plat books	2	142
—to abolish or abandon highways, when	2	143
—to acquire rights of way	2	143
—to issue bonds, when	2	143
—to let contracts for work, when	2	143
—to use judgment and discretion as to roads	2	143
—to report to State Highway Commission, what	2	143
—to employ roadbuilder; duties and salary of same	2	143
—may purchase road machinery, quarries, etc.	3	144
—may sell old machinery	3	144
—payment of certificates issued by road supervisors	9	146
—To furnish supervisors with tools and implements	11	147
—Inspection of work before payment	12	147
—compensation of commissioner inspecting work on roads, etc.	13	147
—to make minute entry of inspection of road work	14	147
—to fix time for viewing highways proposed	3	148
Road Supervisors,		
Appointment, qualifications, compensation, oath of office and bond	4	144
Duties; to obey directions of board	5	144
To make quarterly report to county clerk	5	144
To keep account of labor, etc., employed	5	145
May employ laborers, teams; limit of wages	6	145
Power to order inhabitants to do repair work, when	7	145
Compensation of men ordered to repair roads	7	146
Limit of expenditures by	8	146
Payment of certificate issued by	9	146
Authority as to construction of drains and ditches	10	146
Obstruction of drains and ditches, penalty	10	146
Complaints of acts of, payment of damages	10	147
Payment of damages for work done by supervisors	10	146
To preserve tools and implements furnished him by board	11	147
To remove fences, procedure	17	152
To remove obstructions on roads, when	4	154
Duties as to obstruction on	1–16	154–157
To remove fences	17	152
County Surveyor,		
Compensation of, for inspecting work on roads, etc.	13	147
To make entry of inspection of road work	14	147
Common Highways,		
Petition to establish, change or discontinue	1, 2	147, 148
Viewers, appointment, oath and compensation of	3	148
—persons refusing to act as, penalty	4	148
—duties of; must report to board	5	148
—report of, what to contain	5	149
Hearing, board to fix time for hearing viewers' report and to give notice	5	149
—must hear proof of parties	5	150
When road to be declared public highway	7	150
County Surveyor to survey road; compensation for	7	150
Payment of damages, how and to whom	7	150
How damages determined	8	150
Condemnation proceedings, when	9	150
Damages, etc., from what fund paid	10	151
When road opened or altered, record to be made	11	151
Roads opened or altered, notice to be posted	12	151
No roads to be opened through standing crops	13	151
Clerk to notify supervisors of opening or alteration of roads	14	151
Cost of work; when to advertise for bids	14	151
Work to lowest responsible bidder; bond of	14	152
Deeds or judgments for rights of way to be filed, where	15	152
Duty of owners of railroads, canals, etc., as to crossings	16	152
Removal of fences by supervisor, procedure	17	152

HeinOnline -- 1913 640 1913

	Sec.	Page.
To be laid out on section or subdivision lines, when	18	152
Change, on petition of owners, when	19	153
Proceedings not to be invalidated by irregularities	20	153
Bridges,		
To be under control of commissioners	1	153
County commissioners may levy tax for, how	2	153
Cost exceeding $200, board must order work done	3	153
Bids for construction; contract to lowest bidder	4	154
Emergency cases; board may construct, etc., without notice	4	154
Crossing county lines; cost, how proportioned	5	154
Fast driving or riding across, prohibited; notice to be posted	11	156
Moving heavy loads over; precautions, penalty	6, 8	159
Obstructions and Encroachments,		
Sidewalks along; construction by whom	1	154
Damage to sidewalks, along: liability	1	154
Fences, buildings, etc., removal, giving notice	2, 3	154
Failure to remove; supervisor must do so	4	154
When denied, action for removing to be brought by supervisor	5	155
Action and judgment; punitive damages and costs	5	155
Board may order supervisor to remove without action	5	155
To be removed at cost of owner, when	6	155
Permitting water to overflow, procedure	7	155
Permits for excavations across	8	155
Bridging of ditches	8	155
Persons to notify supervisor	9	156
Felling trees across; removal; penalty for not removing	10	156
Cutting of shade trees along, prohibited	12	156
Punishment for obstructing or injuring	13	156
Dumping of garbage or leaving dead animals near, penalty	14	156
Depositing of nails, glass, crockery, etc., in, penalty	15	156
County attorney to prosecute persons for violation of act	16	157
Fines to be placed in general fund of counties	16	157
Guide Boards,		
How constructed and where to be placed	1	157
Where fastened	2	157
Malicious removing a misdemeanor	3	157
Law of the Road,		
Law upon meeting of vehicles	1	158
Intoxicated drivers; liability of employer	2, 3	158
Driver to guard team hitched to passenger vehicle	4	158
Liability of owner for negligence of driver	5	158
Moving heavy loads over	6	158
Moving steam machinery over; must shut off steam in meeting vehicles, etc., penalty	7, 8	159
Passing vehicles entitled to half the road	7	160
Disposition of Fines	1	161
Motor Vehicles,		
Tag with license number to be attached at rear	1	159
Speed limit fixed	2	159
Precaution when approaching horses, etc.	3	160
Speed when approaching crossings	4	160
"Motor Vehicle" defined	5	160
Violation of Act, penalty	6	160
Passing vehicles, entitled to half the road, penalty	7	160
Speed limit, regulation of, superseded by Act	9	167
Part of highway may be set aside for speed tests	9	167
Fines, etc., placed in state highway fund	11, (3)	170
Highway and Bridge Bonds, see Bonds.		
Highways,		
Railroad crossings, see Railroads.		
Holidays, see School Laws, under head "Legal Holidays."		
Horseshoers, see Farriers.		
Horses, see Livestock.		
Horticulture,		
Appropriation for building at State Fair		552
See, also, Apple Boxes; Insect pests; Nursery Stock.		
Hospitals,		
Discrimination between patients of licensed physicians prohibited	1	459
Violation of anti-discrimination Act, misdemeanor	2	459
House of Representatives,		
Representation of New Counties	14	502

HeinOnline -- 1913 641 1913

	Sec.	Page.
Hunting and fishing,		
Licenses expire, when	Ch. 31, 1	43
See, also, Game and Fish.		
Initiative and Referendum, see Elections.		
Injunctions,		
Not to be granted, when	Ch. 28, 1	28
Not to be issued against Public Service Commission, without notice	26 (a)	99
Insane Persons, see State Board of Commissioners for Insane.		
Insect Pests,		
Governor to quarantine infected districts	1	117
Governor to prescribe rules to localize and eradicate	2	117
Receiving and shipping of infected seeds, plants, etc., penalty	3	117
Inspector of Boilers, see State Boiler Inspector.		
Inspection of Steamboats, see Steamboats.		
Inspector of Coal Mines.		
Appointment of Deputy	1	502
Member of Department of Labor and Industry	1	106
Report published biennially; combined with labor report	10	108
Inspector of Quartz Mines,		
Appointment, by whom	9	108
Member of Department of Labor and Industry	1	106
Report published biennially; combined with labor report	10	108
Instruments in Writing,		
Acknowledgments may be made before whom	1	9
See, also, Deeds.		
Insurance Commissioner, see State Auditor,		
Insurance Companies,		
Plate glass, health, accident, etc., amount of capital paid in required	1	56
Insurance Companies, domestic,		
Investment in bonds of Irrigation Districts	1	24
Insurance Companies, foreign,		
Capital required to do business	1	54
Must appoint attorney in fact in each county	1	54
Authority of attorney in fact; filing with state auditor	1	54
Service of process on State Auditor, when	1	55
Revocation of power of attorney, when not permitted	1	55
Filing of certified copies of charter	1	55
Filing of statement, contents	1	55
Filing of annual report	1	55
Agents not to transact business, when	1	55
Interest,		
Limit of rate chargeable	1	51
Penalty for exacting interest beyond legal limit	2	51
Recovery of illegal interest; action must be brought, when	2	51
On special improvement bonds or warrants, payable annually	25	410
Payable on assessment for special improvements	21	407
Rate of, on special improvement bonds or warrants	25	411
Interest on Public Funds, see Public Moneys.		
Intoxicating Liquors,		
Licenses,		
Limit of number to be granted	1	48
Retail liquor dealer, definition	1	48
Definition of "Town"	1	48
Act not to affect certain dealers	2	48
For places outside of cities and towns, how obtained	3	48
Application addressed to county commissioners	3	48
Notice of Application	3	49
Protest; time of hearing	3	49
Appeal to District Court	3	49
Hearing of appeal	3	49
Renewal of License,		
Protest; number of protestants	3A	49
Filing of protest	3A	49
Protest; notice and time of hearing	3A	50
—appeal to district court	3A	50
—issue of license pending appeal	3A	50
—to be heard before license expires	3A	50
Conviction of dealer for violation of law of state; punishment	4	50
Suspension of license upon scond conviction of dealer	4	50
Dealer upon third conviction not to be issued license	4	51

HeinOnline -- 1913 642 1913

	Sec.	Page.
Investment Commissioner,		
The term "stock broker" includes whom	2	368
"Domestic" and "Foreign" Companies defined	3	368
The term "agent" shall include whom	4	368
Investment Companies,		
What term includes	1	367
Must secure permits from Commissioner	5	368
Must file with the Investment Commissioner certain statements, together with fee	6	369
To file copy of its charter, when	6, (5)	369
Papers to be filed must be verified	7	369
Foreign companies must file consent to be sued by service on Commissioner	8	369
Consent for service of process on Commissioner irrevocable	8	369
Method of service of summons, etc.	8	370
Duty of Commissioner when companies sued	8	370
Commissioner to keep record book in which to docket actions against companies	8	370
When Commissioner shall issue permit to company to do business	9	370
What statement permitting companies to sell securities shall contain	9	371
Commissioner may revoke permit, when	9	371
When permit shall not be granted	9	371
Amendment of charter, constitution, etc., not to become operative until filing with Commissioner	12	372
Limit of power to transact business	12	372
Making false entries in books or publishing false statements; penalty	21	376
Sale of bonds and stocks prohibited unless approved by Commissioner	20	375
Attorney General to apply for appointment of receiver, when	18	375
When permit shall be cancelled by Commissioner	18	375
Accounts of, subject to inspection and investigation by	15	373
Payment of dividends prohibited except with approval of Commissioner	20	376
Stock Brokers,		
Provisions of act applicable to	10	371
Commissioner to make special investigation as to stocks, bonds, etc., handled by	10	371
Permit, when granted, entitles broker to do what	10	371
Broker must file list of stocks, bonds, etc., with commissioner each month	10	371
Permit may be revoked, for what	10	372
Making false entries in books, etc.; penalty	21	376
Appeal.		
Appeal may be taken to State Board of Examiners, how taken	11	372
Power of Board to call for additional information from company or broker	11	372
Duty of Commissioner, on reversal of ruling by Board of Examiners	11	372
Agents,		
To register with the Commissioner, fee	13	373
To re-register, when	13	373
Permits revocable by Commissioner	13	373
Circulating of advertisements, subject to what condition	17	374
Unlicensed companies or brokers prohibited from doing business	17	374
Revocation of permit for failure to pay examination fees	16	374
Examination of affairs of companies and brokers by; fee	16	374
To have general supervision and control over companies and brokers	16	374
Power to take testimony and enforce attendance of witnesses	15	373
Failure of companies or brokers to file financial report, penalty	14	373
Companies and brokers to file financial statements with; filing fee	14	373
Papers and documents filed with, subject to inspection, when	19	375
Violations of provisions of act, penalties	22	376
Fees collected by, to be turned into State Treasury	23	376
May appoint assistants, limitation on authority	23	376
How salaries and expenses shall be paid	23	377
State auditor to be ex-officio Investment Commissioner	24	377
If any section of Act unconstitutional, effect on remaining sections	25	377
What companies and brokers excepted from operation of Act	26	377

HeinOnline -- 1913 643 1913

	Sec.	Page.
Irrigation Districts,		
Bonds, notice of sale of, to State Land Board.....Ch. 25, 1		25
Domestic Insurance Companies, may invest funds in.....	1	24
Limitation of power to incur indebtedness.....1, 38		452, 476
Sale for Delinquent Taxes or Assessments, to be made how	56	476
—Redemption, how to be made	56	476
—County treasurer to place to credit of district, amount of assessment due with interest.....	56A	477
—When land sold to county, treasurer must issue to district a debenture certificate, nature of.....	56A	477
—Sum named in certificate to bear interest, rate of.....	56A	477
—Certificate may be sold by commissioners; effect of sale	56B	478
—On redemption of certificate, county treasurer to pay to holder what amount.....	56C	478
—On failure to redeem, lands to be sold, when and how; payment to holder, what amount.....	56D	478
—Minimum price for which lands may be sold.....	56D	478
—Lands sold to county but not redeemed; subsequent delinquency; procedure	56E	479
—Where lands sold to county, debenture certificates to be issued to district	56F	479
Jacks, see Stallions.		
Judgment Debtors,		
Exemptions from execution.....	1	81
Judicial Districts,		
See District Courts.		
Judicial Sales,		
See Chattel Mortgages; Real Estate.		
Jurors,		
Compensation	1	23
Justices of the Peace,		
Jurisdiction of Violations of School Laws.....1910		279
Must report fines to county superintendent of schools....2013		285
Registration of Electors, see Elections.		
Residing in new county at time of creation, to continue in office	5	495
To report to State Sealer of Weights and Measures, fines collected under Act.....	30	365
Labor,		
Injunction not to be granted, when.....Ch. 28, 1		28
Hours of labor for Women, see Women.		
See, also, Department of Labor and Industry; Street Railways; Employer and Employee.		
Lascivous acts, see Lewdness.		
Law Library,		
Resolution permitting employment of assistant during legislative session		563
Law of the Road, see Highway Law.		
Legal Fence,		
What shall constitute.....	1	127, 128
Legal Holidays, see School Law.		
Legislature,		
Compensation of Officers	1	52
Representation in new counties.....	14	502
Lewdness,		
Certain acts upon bodies of children a felony.....	1	113
Libel,		
What constitutes political criminal libel.....	35	608
Libraries for Schools, see School Laws.		
Licenses,		
For seining fish.....	2	328, 329
Gun license from Aliens.....	1	53
—Who exempted from operation of Act.....	1	53
—Violation of Act, penalty	2	53
—Seizure and sale of firearms.....	3	53
—Fines payable into Fish and Game Fund.....	4	53
Hunting and Fishing, expiration of.....Ch. 31, 1		43
See, also, Game and Fish.		
Moving picture shows must procure, when.....Ch. 81, 1		344
Public Warehousemen must procure.....	19	72
See, also, Intoxicating Liquor; Motor Vehicles; Nursery Stock; Nurses; Plumbers; Steamboats; State Athletic Commission; State Boiler Inspector; State Board of Veterinary Medical Examiners.		

HeinOnline -- 1913 644 1913

	Sec.	Page.
Liens,		
Assessments for special improvements constitute	23	408
On Grain, for inspection and weighing charges	9	70
On mare and foal, for service of stallion	1	65
On motor vehicles for non-payment of license	4	138
On property for special improvements, errors not to vitiate	30	413
See, also, Chattel Mortgages; Mortgages.		
Lincoln County,		
Boundaries defined	1	66
Liquor Dealers,		
Issuance of License discretionary with county commissioners	1	461
License not to be issued, to whom	2	461
See, also, Intoxicating Liquors.		
Livestock,		
Diseased, compensation for slaughtered	1	134
—How compensation to be paid	2	134
—Assessed valuation to be considered value	3	134
—No compensation for non-assessed animals	3	134
—Claims for, how filed and how proved	4	134
—Duties of state auditor	4	135
—Act not applicable to what animals	5	135
—Appropriation for purpose of Act	6	135
Improvement of Breeds,		
—Duty of Assessor	1, 2	5
—"Pure-bred animals"—definition	3	5
—List of owners of pure breeds to be published, by whom	4	5
—False certificate of registration forbidden	5, 6	5
Sale under false certificate, or changing brands forbidden	5	5
Quarantining of livestock,		
—When may be quarantined	1	417
—Duty of state veterinarian	1	417
—Right of owner when quarantine ordered	1	418
—When and how section of state may be quarantined	1	418
—Expenses of feeding, etc., to be paid by owner	1	418
See, also, Insurance Companies; Bounty Inspector.		
Machinery,		
See Engines.		
Madison County,		
Boundaries fixed	2	116
Manual Training,		
See Northern Mont. Agricultural and Manual School.		
Marshal of Supreme Court,		
Fixing of salary	1	118
Master and Servant,		
See Employer and Employee; Street Railways.		
Mayors,		
See Cities and Towns.		
Meagher County,		
Boundaries fixed	2	116
Memorials,		
Establishment and maintenance of an agricultural building in Washington, D. C.		559
Northern Montana Agricultural and Manual Training School at Fort Assinniboine		560
Praying that Fort William Henry Harrison be ceded to the State of Montana		560
Relating to settlers on Lower Yellowstone Reclamation Project		564
Respecting construction of system of public highways connecting capitals of States		557
Merchants,		
See Unfair Competition.		
Milk and Cream,		
Sale of, see State Sealer of Weights and Measures.		
See, also, Dairying and Dairy Products.		
Minors,		
Certain acts upon bodies of, to constitute a felony	1	113
Missoula County,		
Boundaries of	2	59

HeinOnline -- 1913 645 1913

	Sec.	Page.
Misdemeanors,		
Agents selling nursery stock without license	4	435
Aliens refusing to pay gun license	2	53
Bribery in primary elections	35	588
Catching or possessing game fish beyond limit	5	331
Conviction of parent or guardian on complaint of truant officer	1105	260
Creating monopoly in dairy products	21	317
Depositing glass, etc., on highway	15	156
Disturbing school meetings	803, (8)	246
Draining water on highway	13	156
Dumping garbage or leaving dead animals on highway	14	156
Dumping sawdust, etc., into streams	6	331
Defrauding persons by means of private or public scales	11 (c)	357
Employment of children, contrary to Law	1101, 1102	257, 258
Failing to remove obstruction on roads	4	154
Failing to remove tree felled on highway	10	156
Failure of candidate to file financial statement of expenditures	11	599
Failure of county attorney to prosecute violation of Corrupt Practices Act	43	611
Failure of certain officers to perform duties with relation to schools	2014	285
Failure of railroads to erect platforms	5	26
Failure of school clerk to make report of school census	512	236
Failure of school officers to have taught the subject of prevention of communicable diseases	612	241
Failure of school officers to provide separate outhouses for both sexes	508	233
Failure of teachers to have fire drills in schools	610	239
Failure to construct fish ladders at dams	7	332
Failure to give notice to State Board of Land Commissioners of bond sales	1	25
Failure to send children to school	1100	257
False certification of weights and measures	14	360
Fast driving over bridges	11	156
Fishing at stations established for taking fish eggs	29	341
Forging, counterfeiting or wrongfully using trademarks	Ch. 94, 1	426
Having false weight or measure in possession	22	363
Hospitals discriminating between patients of physicians	2	459
Hunting in Game Preserve	2	47
Insulting or abusing teacher	803, (7)	247
Investment Companies or Brokers publishing false statements	21	376
Issuing temporary fishing and hunting license	12	336
Killing or having in possession deer, when	31	342
Malicious removal of guide boards on highways	3	157
Milk dealer using jars or bottles not conforming to weight and measure act	21	362
Neglect of school officers to have fire instruction	611	240
Non-residents in possession of game, without license	9, (4)	334
Official misconduct in primary elections	27	585
Operating motor vehicle without license	4	138
Obstructing drains and ditches	10	146
Pedlers failing to comply with weights and measures act	19	361
Railroads failing to provide crossings	3	19
Receiving or shipping infected seeds or plants	3	117
Refusal of employer to furnish list of employes to county treasurer	3	141
Refusal of railroads to comply with orders of Railroad Commissioners	7	445
Refusal of school officers to deliver books, etc., to successors	511	234
Refusal of school trustees to provide fire gong	610	239
Refusal to act as viewer of roads	4	148
Refusal to comply with Act requiring crossings	3	129
Refusal to comply with order of road supervisor to repair roads, etc.	7	145
Refusal to make statement required by State Tax Commission	12	195
Refusal to permit State Sealer to examine weights or measures	26	364
Refusing to answer inquiries by Commissioner of Labor	5	107
Removal of mortgaged personal property from county, when	17	383
Removal of seal from scales, etc., without authority	16	361
School officers acting as agents for book concerns	2203	305
Selling a less quantity than represented	24	363
Selling gas engines without complying with Act relative to indicating horse power thereon	3	474
Shipping of unlawfully caught fish	8	332
Soliciting pupils to join fraternities	701 (4)	242
Soliciting votes on election day	34	607

HeinOnline -- 1913 646 1913

	Sec.	Page.
Street Railways failing to heat vestibules on cars	2	64
Suppressing, or failure to file, nomination papers	37	589
Teachers maltreating pupils	804	246
Unlawful catching of fish	2	327
Using other than selected text books	1809	275
Using untested weights or measures	6	354
Violating Act permitting boxing exhibitions	11	434
—Dairy commission Act	22	318
—Section of game law relative to securing game for scientific uses	11	336
Violation by owner of private ponds of Act requiring license	4	330
—Of Act establishing standard apple box	8	459
—Of Act prescribing hours of labor for women	3	450
—Of Act regulating selling etc., of Agricultural Seeds	4	11
—Of Act relating to Boiler Inspection	5–17	34–42
—Of Act relating to Registration of Farm Animals	6	5
—Of Act relating to unfair competition in buying	3	8
—Of Act relating to unfair competition in selling	3	7
—Of Act requring certain brakes on street cars	2	343
—Of any provision of Weights and Measures Act	12 (c)	359
—Of Corrupt Practices Act not otherwise provided for	51	614
—Of Elevator and Grain Inspection Act	12, 13, 21	70, 71, 73
—Of Game Law	1, 2	45, 46
—Of Law of Roads	1–8	158–159
—Of law relating to liens for services of stallions, etc.	1	65
—Of law relating to Nurses	13	86
—Of law relating to Plumbers	11	51
—Of Motor Vehicle Act	10	167, 168
—Of New Counties Act by county officials	15	502
—Of provisions of Tax Commission Act	19	197
—Of provision permitting seining of fish	2	329
—Of provisions relating to Schools	1910, 1911	279
—Of Public Service Law	8, 9, 12, 23, 28	91–101
—Of Registration Law	37	190
—Of rules of Board of Entomology	9	467
—Of school law not otherwise provided for	2207	305
—Of Speed Law by Motor Vehicle Act	6, 7	160
—Of steamboat inspection Act	3, 21	120, 126
—Not specifically provided for in State Sealer Act	28	364
—Of section relating to hunting and fishing licenses	9 (4) 10	334, 335
—Of veterinary license Act	12	350
Monopoly,		
Creating, in dairy products, prohibited, penalty	21	317
See, also, Unfair Competition.		
Montana Grain Laboratory,		
Establishment at Montana Agricultural Experiment station	Ch. 118, 1	463
Ends to be subserved by	2	463
Samples of grain may be sent to; tests to be made	2	464
Manner of sending grain; reports to be made	3	464
Agronomist of Experiment Station to act as director in charge	4	464
Director may employ assistants; other expenditures authorized	5	465
Appropriation for equipment and maintenance	6	465
When fee to be charged; disposition of fees collected	7	465
Mortgages,		
Duration of lien upon real property	1	27
Extension of lien, upon real property	1	27
See, also, Chattel Mortgages.		
Motormen,		
See Street Railways.		
Motor Vehicles,		
Licenses.		
Classification and amounts	1	137
When payable	1	138
To be in lieu of all other licenses	1	138
Moneys collected to be divided between county and state, how	2	138
Operating machine without license misdemeanor	4	138
Lien on, for non-payment of license	4	138
Registration, Identification and Regulation.		
Definition of "Motor Vehicle;" "Local Authorities," etc.	1	161
Registration in office of secretary of state, fee	2	162
Application for registration, contents	2	162
Issuance of certificate of registration	2 (2)	163
Register to be kept in office of secretary	2 (3)	163
Secretary to furnish county clerks with list of	2 (3)	163
Number, to be displayed in front and rear	3	163

HeinOnline -- 1913 647 1913

	Sec.	Page.
Motor Vehicles—Continued.		
Registration fee for manufacturers and dealers	4	164
Brakes, horns and lights required	5	164
Tire chains required, when	5 (2)	164
Provisions of Sec. 5 not applicable to non-resident owners, when	6	165
Speed Limit on Public Highways	7	165
Chauffeurs.		
Registration of, fee	8 (1)	165
Application for registration, contents	8 (1)	165
Duty of secretary in registering	8 (2)	165
Badge to be issued to	8 (3)	166
Not to permit others to wear badge	8 (4)	166
Must comply with Act; non-residents excepted	8 (5)	166
Not to operate machine in absence of owner without consent of	8 (6)	166
Receiving or giving of commissions, etc., for supplies prohibited	8 (6)	167
Local regulation of speed superseded by Act	9	167
Setting aside part of highway for speed tests	9	167
Violations of provisions of different sections, penalties	10	167, 168
Conviction, duty of secretary and county clerk	10 (7)	168
Arrest for violation; speedy trial or security for appearance	10 (8)	169
Arresting officer to give receipt for deposits	10 (8)	170
Arrest, giving of bail permitted, when	10 (8)	170
Revenues derived, to be applied by secretary, to what	11 (1)	170
Fines and penalties, how to be disposed of	11 (2)	170
Fines to be placed in state highway fund	11 (3)	170
See, also, Highway Law.		
Moving Picture Shows,		
Must have license, when	Ch. 81, 1	344
Names,		
Of farms and ranches, registration	1	82
Ninth Judicial District,		
Territory embraced in	2	112
Notaries Public,		
May take acknowledgments	1	9
Registration of electors, see Elections.		
New Counties,		
Manner of creation of; property valuation prescribed	1	484
Line of new county to be what distance from county seat of old county	1	484
Number of square miles to remain in old county	1	485
Petitioners must file bond, conditions of	2	488
What board of county commissioners to have jurisdiction of proceedings	2	485
Duty of officers of various counties to comply with orders of county commissioners having jurisdiction	2	485
Petition for creation,		
To be presented to what board of county commissioners	2	485
Number of signatures required	2	486
When to be formed from two or more counties, separate petitions required from each	2	486
Signatures may appear on separate sheets	2	486
Must contain, what	2	486
To be accompanied by certain affidavits	2	486
Prima facie evidence of truth of matters stated	2	487
Hearing;		
Board must fix date	2	487
Publication of notice, in newspaper located where	2	487
Board may adjourn hearing, not exceeding what time	2	488
Objections to be filed, when, otherwise not to be heard	2	488
After hearing, board must determine what	2	488
Petition to be excluded from new county; duty of commissioners	2	489
Not to be created if territory excluded reduces new county below requisites prescribed by Act	2	489
Duties of board of commissioners if determination favorable to creation of county	3	490
Election,		
Board must call, within what time	3	490
Who may vote at	3	491
Proclamation and notice of, publication and contents	3	491
To be made and given by what board of Commissioners	3	492
To be governed by general election laws	3	492
Returns to be canvassed by what board of commissioners	3	493
Duty of county clerks as to registration books, etc	3	493

HeinOnline -- 1913 648 1913

	Sec.	Page.
Nominations of candidates, how to be made	3	493
If proposition carries, duty of board of Commissioners and clerk in premises	4	494
If proposition fails, what course to be pursued by commissioners	4	494
Officers elect shall hold office until when	4	495
County Seat,		
Majority shall determine	3	492
Failure to select; what place to be temporary county seat	3	492
Failure to select; question to be resubmitted	3	492
After selection as provided, not to be thereafter changed.	3	492
Officers,		
What officers to be chosen	5	405
Justices and constables residing in proposed new county to continue in office	5	495
School trustees residing in new county at time of creation to continue in office	5	495
Manner of taking office; compensation, etc.	5	495
Indebtedness,		
How to be apportioned	1	485
Governor to appoint commissioners for adjustment of	6	496
Commissioners to organize, and employ clerk; what constitutes quorum	6	496
Commissioners have power to compel attendance of witnesses	6	496
Sheriff to execute orders of commissioners	6	497
Compensation and mileage of witnesses	6	497
How to be adjusted by commissioners	7	497
Due by new county how to be paid	7	498
Compensation of commissioners and clerk, how paid	8	499
Manner of adjustment	Ch. 135, 1	503
Taxes may be levied to pay indebtedness of new to old county	1	505
Payment of, by new to old county, may be made in installments, how	1	505
What amount to be paid by old to new county, and when	1	505
Taxation,		
Indebtedness of new county to be raised by	7	499
Duty of new and old counties with reference to	9	499
Copies of assessment to be delivered by old county to new	9	500
Proceedings had in old county relative to, deemed original in new county	9	500
Division of school and road funds, how made	10	500
Posting of notices equivalent of publication in newspaper, when	13	502
To be attached to judicial district named by Governor	5	496
Real actions to be transferred from old county to new, when	12	501
Representation in Senate and House of Representatives	14	502
Transcribing of Records, duty of county commissioners of new county	11	501
Violation of provisions of act by county officials a misdemeanor	15	502
When deemed created and organized	4	494
Northern Montana Agricultural and Training School,		
Establishment and location	1	131
Object and course of training	1	132
Control and supervision in State Board of Education	2	132
Agricultural Experiment Sub-station established, its objects	3	132
Sub-station, under control of State Board of Education	3	132
State Board may accept gifts for benefit of school	4	132
Executive Board; appointment, qualification and powers	5	133
Terms of members of Executive Board	5	133
Appointment of faculty and compensation	6	133
Secretary-treasurer of Executive Board; appointment and bond	7	133
Appropriation for purchase of land	8	133
Nurses, Professional,		
Certificate of registration, governor to issue, when	1	82
Board of Examiners,		
Appointment	2	82
Number of members, terms of office, etc.	2, 3	83
Qualifications of members	3	83
Organization, place and time of meeting	4	83
Officers, duties and terms of office	4	83
Duties and salary of secretary	4	83
Compensation of members	4	83
State not chargeable with expenses	4	83

HeinOnline -- 1913 649 1913

	Sec.	Page.
Nurses, Professional—Continued.		
President, inspector of training school	4	84
Subjects upon which applicants to be examined	5	84
Record of names to be kept by secretary	6	84
Shall adopt rules for examination	7	84
Notice of meetings for examination	7	84
Registration of certificate in office of county clerk, without fee	8	84
Applicants for registration, evidence of good character, etc.	9	85
Registration fee, amount	9	85
Training Schools, registration fee	6	84
Qualifications of persons who may register after examination	10	86
Who may register without examination	10	85
Certificate may issue to nurses from other states, when	10	86
Failure to pass examination, appeal to whom	11	86
Practicing without license, penalty	13	86
How act not to be construed	13	86
Revocation of certificate, by Governor, when	15	87
Charges against, hearing, notice	15	87
Revocation of certificate, duty of county clerk	15	87
Revocation of certificate, duty of secretary	15	87
Nursery Stock,		
Agents selling must procure license, amount of	1	435
Money received for licenses to be remitted to State Treasurer	2	435
Agents selling must execute and file bond	3	435
Agents selling or soliciting orders without license, guilty of a misdemeanor	4	435
See, also, Insect Pests.		
Officers, see under proper titles.		
Park Commissioners, see Cities and Towns under head "Park Commissioners."		
Park County,		
Boundaries fixed	2	116
Parole Commissioner, see State Parole Commissioner.		
Partnerships,		
Who may execute chattel mortgages in behalf of	3	378
Passes,		
State Tax Commissioner shall not accept	2	192
See, also, Railroads.		
Peace Officers,		
To enforce game laws	13	336
Penitentiary, see Prisoners; State Parole Commissioner; State Prison.		
Perjury,		
In matters pertaining to Corrupt Practices Act	55	616
Physicians and Surgeons, see Hospitals.		
Picture Shows, see Moving Picture Shows.		
Platforms,		
Railroads must construct, when, see Railroads.		
Plate Glass Insurance, see Insurance Companies.		
Plumbers,		
Board of Plumbing Examiners,		
Appointment by mayor of city or town	3	29
Qualifications and term of office	3	29
Plumbing Inspectors to be ex-officio members	3	29
Compensation of members	3	29
Two members to determine qualifications	3	29
Regulation of apprentices	6	31
Quorum, majority constitutes	9	31
Must procure license	1	28
Application for license, filed with whom	2	28
Qualifications, determined how	3	29
When license to issue	3	29
Application for license, to whom made	4	30
License to one member of firm, sufficient to satisfy requirements of Act	4	30
Examination fee for master plumber's license	5	30
Examination fee for journeyman's license	5	30
Examination fee to be returned when	5	30
License good for one year	5	30
Renewal of license without examination	5	30
Fees for renewal of license	5	30
Apprentices, rules and regulations as to	6	31
Fees, how to be kept and expended	7	31
Revocation of license, when	8	31
Who entitled to license without examination	10	31
Fees to be paid though no examination required	10	31
Violation of plumbers' license act, penalty	11	31

HeinOnline -- 1913 650 1913

	Sec.	Page.
Police Judge,		
Jurisdiction of violation of School Law	1919	279
Poll Taxes, see Highway Law.		
Poultry,		
Duty of assessor pertaining to	1, 2	5
Poultry Husbandry,		
Board of, creation, appointment of members and terms of office	1	135
—Duties	2	136
—To act without compensation	3	136
—To appoint secretary; limit of salary	3	136
Duties of Secretary	3	136
Annual report to Governor	3	136
Appropriation; and how to be expended	4	136
Preferential Primaries for President and Vice-President, see Elections.		
President and Vice-President,		
Preferential primaries for nomination of, see Elections.		
Primary Elections, see Elections under head "Primary."		
Printing,		
And binding, under School Act, how to be done	2202	305
Prisoners,		
Suspended sentences,		
Act not applicable to Juvenile Delinquents	1	21
When may be given	Ch. 21, 1	21
Act not to apply to what felonies	2	21
Effect of suspension of sentence	3	21
Duty of State Board of Prison Commissioners	4	21
Duty of clerk of district court	5	21
Release when	5	22
State Board of Prison Commissioners, rules and regulations	6	22
Prisoners to be re-arrested, when	7	22
Re-arrest, effect of	7	22
Final discharge, when	8	22
Duration of term of probation	8	22
Expenses of supervision, how paid	9	22
See, also, State Parole Commissioner.		
Probate Proceedings, see Estates of Deceased Persons; Executors and Administrators.		
Public Highways, see Highway Law.		
Publicity, see Department of Agriculture and Publicity.		
Public Lands, see State Board of Land Commissioners.		
Public Moneys,		
City Treasurer,		
Duties of, relative to collection of taxes, keeping of accounts, etc	2	390, 391
Deposits of funds, in what banks	1 (12)	391
Deposits to bear what interest	2 (12)	391
Security for deposits; approval by council	2 (12)	392
Distribution of deposits among local banks	2 (12)	392
When deposits may be made in out of town banks	2 (12)	392
Quarterly statements to be made by banks	2 (12)	392
Deposits subject to withdrawal at any time	2 (12)	392
Interest to be credited to general fund	2 (12)	392
Not liable for what losses	2 (12)	392
County Treasurer,		
Deposit, in what banks	1	389
Interest required from banks	1	389
Security required for deposits	1	389
Deposits to be distributed among banks	1	389
Banks in county refusing deposits, procedure	1	389
Quarterly statements required from banks	1	390
Withdrawal, funds subject to, from time to time	1	390
Securities to be approved by county commissioners	1	390
Interest to be credited to General Fund	1	390
When treasurer not liable for loss	1	390
Public Schools,		
State Board of Land Commissioners may invest permanent funds, in what securities	2	468
See, also, School Law.		
Public Service Commission,		
Creation of	1	88
Board of Railroad Commissioners to act as	2	89
Secretary, who shall act as	2	89
Business of two commissions to be kept separate	2	89

HeinOnline -- 1913 651 1913

	Sec.	Page.
Public Service Commission—Continued.		
May sue and be sued	2	89
Shall procure seal	2	89
"Public Utility" defined	3	89
Has power of supervision, regulation and control of public utilities	3	89
Has power to prescribe rules of procedure	4	89
Has no judicial power	4	89
Public utility to furnish reasonably adequate service	5	90
Unreasonable charges by public utility prohibited	5	90
Power to ascertain property value of public utility	6	90
Public utility must keep and render uniform accounts to	7 (a)	90
Must furnish separate reports of different business	7 (c)	90
To provide blanks for furnishing reports, etc.	7 (c)	90
Public utility to use none but approved books of account, etc.	7 (d)	90
Books of account, papers, etc., of Public Utility not to be removed from state	7 (d)	91
Public utility to maintain office, where	7 (d)	91
Annual closing of accounts and reports to commission	7 (e)	91
Examination of books, etc., by whom	7 (f)	91
Failure to make reports to, penalty	8	91
Must make annual report to	9	91
Records, books, files, etc., open to public for inspection, when not	9	92
To prescribe commercial units of product and service	10 (a)	92
Must fix adequate and serviceable standards of measurement	10 (b)	92
Testing and measuring of appliances	10 (c)	92
Fees for testing appliances	10 (c)	92
May purchase measuring and testing apparatus	10 (d)	92
May enter premises of public utility; penalty for refusing admission	10 (e)	92
Public utility to file rates, tolls, etc., with	11 (a)	93
Rates and charges,		
Not to exceed what	11 (a)	93
Copy of, to be kept in office of public utility	11 (b)	93
Change in, when not to be made	11 (c)	93
No change to be made without concurrence of commission	11 (c)	93
What considered unlawful and what lawful	12	94
Fixed by, to be enforced and prima facie lawful	25	98
Rebates and special privileges prohibited, penalty	12	94
Classification of service	13	94
Rules and regulations for tests, inspections, etc.	14	94
Hearings to be public	14	94
Power to look into management of public utility	15 (a)	94
Inspection of books, etc., under oath	15 (b)	95
Person demanding inspection of books, etc., must produce authority	15 (c)	95
Power to compel production of books, etc.	15 (d)	95
Public utility failing to produce books, penalty	15 (e)	95
May employ engineer and other assistants; salaries of same.	16	95
Complaint, against public utility, duty of commission to investigate	17	95
Hearing, notice	17 (b)	96
Hearing,		
Right of counsel, production of evidence, witness fees	17 (b)	96
Failure of witness to appear; procedure	18	96
Power to fix rates or regulate service after hearing	19 (a)	96
Of several matters complained of	19 (b)	97
Record of proceedings to be kept	21	97
May cause depositions to be taken	20	97
Testimony to be taken by stenographer	21	97
Certified copy of proceedings filed wtih clerk of court, when	21	97
Witnesses not excused from testifying	22	97
Immunity of witnesses; perjury excepted	22	98
May investigate rates, etc., on own motion without complaint	19 (b)	97
Public utility may complain; hearing	19 (c)	97
Refusal of officer or agent of public utility to obey law, penalty	23	98
Must investigate violation of law and report to attorney general	24	98
Duty of Attorney General and county attorney	24, 30	98, 101
Actions Against,		
To be commenced in district court	26	99
Answer to complaint, time for filing	26	99
To have precedence	26	99
Introduction of evidence, in addition to transcript	26 (a)	99
Injunction without notice not to issue	26 (a)	99
Procedure when additional evidence introduced	26 (b)	99

HeinOnline -- 1913 652 1913

	Sec.	Page.
Modification of rates by, when	26 (b)	100
Dismissal of complaint, when	26 (c)	100
Judgment of court, nature of	26 (c)	100
Appeal to supreme court, precedence on calendar	26 (d)	100
Burden of proof, upon whom	26 (e)	100
Accidents,		
Investigation of; transcript of evidence	27	100
Public utility to report promptly, contents of report	27 (a)	100
Violation of act by public utility, penalty	28	101
Reports, statements to, to be verified	29	101
Public utility making false statements, reports, etc., is perjury	29	101
May have recourse to injunction, mandamus, and other remedies	31	101
Salaries and expenses, how paid	32	101
Construction of Act	33	102
Appropriation for carrying Act into effect	34	102
Power of city council to order wires, etc., of Public Utility underground	2	395
Appraisement of property of Public Utility, see Tax Commission.		
Public Utilities Commission, see Public Service Commission.		
Public Warehouses, see Grain Elevators and Warehouses.		
Quarantine,		
State Board of Entomology may order, when	6	466
Of cattle, see Livestock.		
Railroad Commissioners, see State Board of Railroad Commissioners.		
Railroads,		
Crossings,		
On highways and in cities, towns and villages	1	128
Petition for, number of signers	2	128
Duty of Railroad Commission	2	128, 129
County commissioners to notify Railroad Commission	2	129
Failure to comply with act providing for crossings, penalty	3	129
On public roads outside of cities and towns	1	18
How constructed	1	18
Approaches, how constructed	1	18
Time limit for placing	2	18
Penalty for failure to comply with act	3	19
Joint freight rates, see "Platforms, Station Houses, Road connections," etc.		
Loading Platforms,		
Erection by	Ch. 26, 1	25
Failure to erect, duty and power of Board of Railroad Commissioners	1	25
Dimensions of	2	26
Enlargement of, when	3	26
To permit scales to be erected on	4	26
Penalty for violation of act	5	26
May transport persons at reduced rates under Game and Fish Act	30	342
Prohibited from carrying nursery stock, plants, etc., infected with insect pests	3	117
Platforms and Station Houses, Road Connections, etc.,		
Must construct at intersections of railroads, when ordered	1	442
Must stop trains at such stations, and connect tracks, when and how	1	442
Expense of constructing stations, etc., to be paid proportionately by roads	1	443
When Board of Railroad Commissioners may order track connections with other roads	1	442
Expense of making connections, how paid	1	443
Joint rates established by Board, how to be distributed among different roads	2	443
Board of Commissioners to order construction of loading or unloading tracks, chutes, etc.	3	443
Orders of Board may be enforced by District Court, in action by State	4	444
Court Proceedings, trial by jury, decree, contempt, etc.	4	444
Appeal to Supreme Court; to have precedence over other matters	4, 5	444, 445
Action by railroad against Board of Commissioners to determine reasonableness of orders	6	445
Orders conclusive until determination by courts	6	445
Refusal to comply with provisions of act to constitute misdemeanor	7	445

HeinOnline -- 1913 653 1913

	Sec.	Page.
Railroads—Continued.		
Shipment of fish unlawfully caught, misdemeanor	8	332
Track scales under control of State Sealer	11 (a, b)	357
Transportation free or reduced,		
—May carry property free of charge, when	1	102
—Classes of persons to whom it may be issued	1	103
—Duty of secretary of state in premises	1	103
—At reduced rates	1	103
—What deemed reasonable classification	2	103
Ranches,		
Names of, see Farms.		
Rape,		
Definition	1	15
Real Property,		
Mortgages, duration and extension of lien	1	27
Record, curing defects	1	3
Redemption from tax sale, payments to be made by redemptioner	1	434
Redemption not to be had until what payments made	1	434
Owned by counties, sale of; legalizing conveyances	1	440
Redemption,		
By whom, when sold on execution	1	447
By judgment debtor; by creditor	1 (1, 2)	447
If judgment debtor or creditor be corporation, by stockholder	1 (1, 2)	447
Who are redemptioners	1 (2)	447
By a redemptioner; payments to be made	2	447
May be had, how often	2	448
Written notice to whom; filing of duplicate where	2	448
When purchaser entitled to deed	2	448
Judgment debtor may redeem within what time; payments required	2	448
Certificate to be executed when and by whom, where filed	2	448
By stockholder of corporation, corporation may redeem thereafter	2	449
—other stockholders may contribute	2	449
When stockholders entitled to deed	2	449
Redeeming or contributing stockholder to make affidavit of what	2	449
Record,		
Of instruments, curing defects	1	3
Redemptions,		
From execution and tax sales, see Real Property; Irrigation Districts.		
Reform School,		
When incorrigible inmates of Industrial Schools to be sent to 1907		278
Registration of Electors, see Elections.		
Religious Corporations,		
Creation of; manner of incorporation	1	383
Who may incorporate	1	383
Articles of incorporation; execution and filing, where	1	384
Enumeration of powers	1	384
What church officers to be perpetual members	1	384
Terms of office of corporators	1	385
Successors, how chosen, and how vacancies filled	1	385
Resignations of corporators	1	385
Appointment of proxies	1	385
Parish or local,		
—How created	2	386
—Powers of	2	386
—Who shall constitute	2	387
—Terms of office of laymen members; vacancies, how filled	2	387
—Division of Diocese; effect of on	2	388
Construction of Act	3	388
Residence,		
Who deemed residents under Game and Fish Act	9 (4)	334
See, also, Elections under head "Residence."		
Resolutions,		
Extending thanks of Legislative Assembly to Charles M. Russell, E. S. Paxson and Ralph De Camp		557
For investigation of railroad freight rates, on certain products		555
Investigating certain matters relating to Carey lands		561
Looking to investigation of management of State Reform School		566

HeinOnline -- 1913 654 1913

	Sec.	Page.
Permitting employment of Assistant Law Librarian during the session of legislature		563
Ratifying amendment to Constitution, providing for election of senators by the people		562
Relating to compensation of certain employees of legislative assembly		567
Relating to suspension of entries on lands on Flathead Reservation		564
Revenue and Finance,		
Amendment to Constitution as to rate of taxation for state purposes, see Constitution.		
Tax levy for state puprposes	Ch. 106	446
See, also, Appropriations; Cities and Towns, Counties; Highway Law; New Counties; School Law; Taxation; Tax Commissioner; Public Moneys.		
Roads,		
Crossings, see Railroads; Highway Law.		
Road Tax, see Highway Law.		
Rocky Mountain Goat, see Game and Fish.		
Rocky Mountain Sheep, see Game and Fish.		
Saloon Keepers, see Intoxicating Liquors.		
Sanders County,		
Boundaries of	2	59
Sawmills,		
Dumping sawdust into streams prohibited	6	331
Scales,		
Railroad must allow erection, on loading platforms	4	26
See, also Weights and Measures		
School of Mines,		
Amendment to Constitution relative to increasing rate of taxation for educational purposes	1	461
See, also, University of Montana; State Institutions; Educational Institutions.		
School Elections,		
Registration unnecessary	1	20
School Laws,		
City Superintendent of Schools,		
Appointment; term and salary	1500	265
Qualifications required	1501	265
Shall perform what duties	1502	265
Shall not engage in what kind of work	1503	265
Compulsory Attendance,		
Parents and guardians must send children to some school	1100	256
County superintendent may excuse attendance, when	1100	256
Refusal to excuse attendance at school; appeal to district court	1100	256
All children between 14 and 16 must attend	1100	257
Employment of children under 14 prohibited; exception	1101	257
Employment of minors between 14 and 16 prohibited, when	1102	257
Truancy; penalty on conviction of parent or guardian	1105	260
—What child deemed a juvenile disorderly person	1106	260
—Commitment of truants to Industrial school, when	1107	261
—Trustees to furnish relief to pauper children, when	1108	261–262
Truant officers,		
—Appointment; compensation; powers and duties	1103	258
—Disposition of pauper children	1108	261
—To institute suit when	1103, 1105	258, 259
—To keep record of doings and make daily report	1103	259
—Principals and teachers to report truancy	1104	259
County examination and certificates,		
County board of examiners to hold examinations, when	900	247
Questions of State Superintendent to be submitted	900	247
Percentage of correct answers required for passing	900	247
When board shall grant certificate	900	247
Where examinations may be held	900	247
Certificates,		
First grade, requirements of applicants	904, (b)	249
Second grade, qualifications of applicants	904, (a)	249
Professional, showing necessary to obtain	904, (c)	249
Temporary certificate, to be granted for what time and to whom	904, (d)	250
Special certificate, may be issued by County Superintendent, when	904, (e)	250
Special certificate, fee to be paid	904, (e)	250
All certificates and diplomas to be registered, where	904, (e)	250
Fees for certificates	904, (2)	251

HeinOnline -- 1913 655 1913

	Sec.	Page.
School Laws—Continued.		
Re-examinaton of papers on appeal	904, (3)	251
Revocation of certificate, county superintendent may revoke and annul, when	904, (4)	251
Effect of revocation,	904, (4)	251
Renewals of professional and first rate certificates	906	251
Higher grade certificates, how secured	907	252
State Normal School credits to be given applicants	908	252
Life of existing certificates	909	252
Revocation for non-attendance at Institute	1003	254
High school teachers to be holders of professional certificate	910	253
Principals to be holders of professional certificates	910	253
County Board of Educational Examiners,		
To be composed of whom	901	248
Qualifications of members	901, 902	248
Quorum, what shall constitute	901	248
Duties of examiners	903	248
May grant eighth grade diplomas	903	248
Compensation and expense of examiners	904	248
County High Schools,		
Any county may establish high schools	2100	296
Petition for establishment and location; Notice	2101	296
Nomination of place for location, filing of, when and where	2101	296
Election, form of ballot	2102	297
Canvass of returns	2103	297
Tie vote, new election to be ordered	2103	298
Trustees of County High Schools,		
Appointment of board	2104	298
Shall consist of whom	2104, (1)	298
Term of office	2104, (2)	298
Vacancies in office, procedure for filing	2104, (4)	299
Number of meetings, quorum	2104, (4)	299
Officers of board	2104, (6)	299
Powers and duties	2104, (7)	299
Mileage for attending meetings	2105	301
Secretary may receive compensation	2105	301
General Provisions,		
Principal may make rules and regulations for government of schools	2106	301
Diploma to admit graduate to State Institution of learning	2107	301
Tax levy for building purposes and contingent expenses, etc.	2108	301
Issuance of bonds for high school purposes	2109	301
County Commissioners to submit question of bond issue	2109	302
Money collected under bond issue to be paid into what fund	2109	302
Bond issue how taxes to be levied and collected	2109	302
What part of county not to be included in tax levy	2109	303
How bonds and interest to be paid	2110	303
Estimates for building not to be included in maintenance estimate	2111	303
District High Schools entitled to refund of county high school moneys, when	2111	303
Prior acts validated	2113-2114	304
Bonds heretofore issued hereby legalized	2115	304
County Superintendent of Schools,		
Qualifications, election, term of office and bond	300	211
Vacancy in office, how filled	300, (5)	211
General Powers of	301	212
Duties; obey orders of state superintendent	302, (1)	212
Must visit schools, etc., and call trustees' meetings	302, (2, 3)	212
May issue temporary certificates; limitation of power	302, (4)	212
To serve on county board of educational examiners	302, (5)	213
To preside at county institutes	302, (6)	213
To supervise school libraries	302, (7)	213
To act as truant officers, when	302, (8)	213
To apportion school moneys	302, (9)	213
To withhold warrants to teachers, when	302, (10)	213
To decide controversies arising; appeal	302, (11)	213
To select books for school library	1205	263
Power to administer oaths, when	302, (11b)	214
May adjust boundaries of school districts, when	302, (12)	214
Creation of new districts, etc., duty regarding	302, (13, 14)	214
Must transmit copy of school census to whom, penalty	302, (15)	214
Must keep records, books, etc.	302, (16)	215
Shall make report to superintendent of public instruction, when	302, (17)	215
Office days; notice of	302, (18)	215

HeinOnline -- 1913 656 1913

	Sec.	Page.
May appoint clerk, when	302, (19)	215
Quarters and supplies to be furnished; limit of expense	303	215
Duty as to report on text books used	1810	275
Shall apportion school moneys	2003	282
Finance,		
Principal of state school fund to remain inviolate	2000	280
Sources from which it shall be derived	2000	280
Levy of tax for support of common schools	2001	281
Special school fund, how raised	2002	281
Duty of county commissioners as to levy of special tax	2002	281
Manner of apportioning school money	2003	282
Purposes for which county school moneys may be used	2004	283
Liability of trustees for unauthorized use of money	2004	282
Transfer of unused road funds to school fund, when	2005	282
Proceeds of town lots to be turned into school fund	2006	283
Money to be set aside for building and furnishing purposes	2007	283
Trustees to draw warrants on building and furnishing fund	2008	283
When above funds to be used for general school purposes	2009	284
Duties of county treasurer with respect to school funds	2010	284
Duty of county assessor as to valuation of school districts	2011	284
Duty of clerk of district court to report fines to county superintendent	2012	284
Justices of the Peace to report fines to county superintendent of schools	2013	285
Penalties for failure of named officers to report to county superintendent	2014	285
Bonds,		
How issued, and limit of issue	2015	285
Manner of holding election, form of ballot	2016	285
Form of bonds, to be registered where and how	2016	286
Notice of sale, bids for same	2017	286
Levy tax to pay interest and create sinking fund	2019	287
District to be a body corporate and liable on bonds	2018	287
Redemption of bonds, tax levy for such purpose	2020	287
How bonds may be retired	2020, (1)	287
Notice of redemption of bonds to be given, when	2021	288
School Board may invest sinking fund in county bonds or warrants	2021	289
Duty of county treasurer as to payment of bonds and interest	2022	289
Printing of, payable out of what fund	2023	289
School trustees, failing to pay bond money into county treasury, penalty	2024	289
School trustees may levy taxes for the payment of outstanding indebtedness	2025	289
Procedure for making special levy to pay outstanding indebtedness	2026	290
Money collected under special levy to be used for what purposes	2027	291
When trustees may issue bonds to pay outstanding indebtedness; and procedure	2028, 2029,	291, 292
Refunding Bonds.		
When and under what conditions power to issue may be exercised	2030	293
How proceeds of bonds shall be disposed of	2031	294
Faith of district pledged for payment and interest	2032	294
Tax to be levied for payment of interest, etc.	2033	294
Redemption of bonds, county treasurer to give notice	2034	294
Payment of interest, out of what fund and when	2035	295
Printing of bonds, payment therefor out of what fund	2036	295
Failure of trustees to pay bond money to county treasurer; penalty	2037	295
Repayment of money borrowed to erect school buildings	2038	295
Industrial and Manual Training Education,		
Elementary, manual and industrial training, to form part of study	1700	267
What districts to maintain Manual Training School	1700 (2)	267
Courses to be taught	1700	267, 268
Qualifications of teachers required	1700 (2)	268
In what districts special courses may be maintained in connection with	1700 (3)	268
Funds which may be used for manual and industrial schools	1700 (4)	269
State treasurer to pay what sum toward manual training	1700 (4)	269
What schools not entitled to state aid	1700 (5)	269
Industrial Schools,		
Where to be established	1900	276
Manner of choosing site and constructing buildings	1901	276

HeinOnline -- 1913 657 1913

	Sec.	Page.
School Laws—Continued.		
Employment of teachers and duties of same	1902	277
Religious instruction prohibited	1902	277
Clothing for children, when to be provided by parents and when by trustees	1903	277
Rules and regulations to be prescribed by trustees	1904	277
Children may be released on parole, when	1904	277
Report of principal of school attended by paroled children	1905	278
When paroled child shall be re-committed	1906	278
When incorrigibles, to be committed to reform school	1907	278
Certain districts may establish, after election held	1908	278
May be attended by children from other districts, when	1909	279
Legal Holidays,		
School not to be held on what days	1300	263
Special days, not holidays, exercises on	1400	263
Pioneer Day, exercises	1400	263
Tree Planting; Arbor Day; exercises	1400	264
Libraries,		
Library fund, creation of; duty of trustees	1200	262
Library fund; of what to consist, in different counties	1201	262
Location and control	1203	262
Rules and regulations; annual report by trustees	1204	262
Selection of books; by whom	1205	263
Local Executive Boards of State Institutions.		
Membership, appointment; have control over what	107	201
Officers; official bonds; duties	107 (2)	201
Terms of members; oath of office	107 (3)	202
Meetings, when	107 (4)	202
Compensation and expenses	107 (5)	202
Powers and duties; expenditures of moneys	107 (6)	202
Reports, when to be made	107 (7)	202, 203
Vacancies, how filled	107 (8)	203
State Board of Examiners, powers and duties as to expenditures	110	206
Gifts and Donations, how to be made	111	206
Pupils,		
Required to comply with regulations	700	241
Liability of parents and guardians	700	241
Secret fraternities prohibited in public schools, penalty for violation	701	241, 242
Soliciting for membership in fraternity, a misdemeanor	701, (4)	242
Trustees may suspend or dismiss	701, (3)	242
School Districts,		
Definition	400,	216
Classification and number of, trustees in each	401	216
Bodies corporate, powers and liabilities	402	216
When not to be created	403	216
New Districts,		
—Organization, how created	404	216
—Petition signed by whom, contents	404	216
—Protests to organization	404	217
—Appeal, by whom may be taken	404	217
—Property values required to create new district	404	217
—Number of children to remain in old district	404	217
—How appeals to be taken	404	218
—Selection of trustees	404, (2)	218
—Apportionment of moneys to new district	404, (3)	218
—How district funds and property divided	404, (4)	218, 219
Division of school districts,		
—Petition and contents	405, (1)	219
—Duties of trustees	405, (1)	219
—Who may appeal	405, (1)	220
—Selection of trustees	405, (2)	220
—Distributon of indebtedness, procedure	405, (3)	220
—Adjustment of indebtedness by Board of Trustees	405, (4)	220
—County Commissioners may levy taxes for interest bearing warrants	405, (5)	220
—Trustees may issue bonds, manner of issuing and sale	405, (6)	221
—What territory not to be included in new district	405, (7)	221
—Change of district boundaries; manner in which change may be made	406	221
—Notice, posting thereof; hearing	406	221
—Appeal to Board of County Commissioners, within what time	206	221
Consolidation of Districts,		
—How districts may be consolidated	407, (1)	222
—Petition, posting of notice of election	407, (2)	222
—Duty of superintendent when consolidation voted	407, (2)	222
—Election of trustees and terms of office	407, (2)	222
—Disposition of funds and property	407, (3)	222

HeinOnline -- 1913 658 1913

	Sec.	Page.
—To be governed by general school laws	407, (4)	223
—Bonded indebtedness to be assumed by new district	407, (5)	223
Joint Districts,		
—How formed	408, (1)	223
—Apportionment of funds	408, (2)	223
—Reports of trustees and teachers in joint districts	408, (2)	223
—Certificates of teachers therein	408, (2)	224
Clerks of School Districts,		
Duties of Clerk	512	235
To keep books, documents and accounts	512, (2)	235
To make annual census of school children	512, (3)	235
To make report of census	512, (3)	235
Failure to comply with requirements, penalty	512, (3)	236
Compensation for taking census	512, (3)	236
To make annual financial statement of district	512, (4)	236
To provide truant officer with certain blanks	1103	259
When to publish annual report	512, (4)	236
Bonds, notice of sale of, to State Land Board	Ch. 25, 1	25
County superintendent may adjust boundaries, when	302, (12, 13, 14)	214
State Examiner to examine books and accounts, of, when	1	365
Not entitled to apportionment of school money, when	607	238
To pay into State Examiner's Fund, what sums	3	366
See, also, Elections,		
School Houses and Sites,		
Selection, sale or exchange of site, to be voted on	1600	265
Sale, etc., election how to be conducted, posting notice, etc.	1600	265
—Selection, location, etc., of site	1600	266
—State Board of Land Commissioners to sell to district	1600	266
—Erection of building, plans to be submitted to State Board of Health	1601	266
—When board of health not to approve plans, procedure	1602	266
—County treasurer to withhold paymen of contract if plans not approved	1603	266
—State board of health to furnish suggestive plans	1604	267
Erection of buildings, vestibules required, when	1605	267
Care of school houses	1605	267
Water supply and toilet accommodations	1607	267
Schools,		
"Public School" defined	600	237
Course of study in elementary schools	601	237
Free kindergarten may be established, cost how paid	602	237
Kindergartens, qualifications of teachers	602	237
High school; trustees may establish	603	238
Open to all children between certain ages	604	238
School Day, what shall constitute	605	238
School month, what shall constitute	606	238
School year, shall begin and end when	607	238
Maintenance of schools in isolated sections	608	238
Sectarian publications prohibited in schools	609	239
Fire drills, children to be instructed in, and how given	610, (1, 2)	239
Fire gongs to be supplied by trustees	610, (3)	239
Fire drills, teacher refusing to instruct children, penalty	610, (4)	239
Teachers to instruct children on dangers of fire and prevention thereof	611	240
Teachers to instruct children on prevention of communicabie diseases	612	240
Refusal of teachers and superintendent to comply with above provisions, cause for dismissal	612, (4)	241
Trustees' refusal to comply with above provisions a misdemeanor	612, (5)	241
School Trustees,		
Qualifications of	500	224
Number of in different classes of districts	501	224
Annual election to be held, when and where	502, (1)	224
Nomination and election in second and third class districts	502	224, 225
How election to be conducted	502, (1)	224, 225
Nomination in districts of the first class	502, (3)	225
Elections, how to be called and conducted	502, (b)	225
Ballots and method of voting	502, (5)	226
Poll and tally lists, certificate of judges and canvass of votes	502, (4)	226, 227
Term and oath of office, vacancies how filled	502, (5)	227
Vacancies in board, county superintendent to fill	502, (5, 6)	227, 228
How removed; board of county commissioners may suspend	502, (7)	228
Clerk, vacancy in office of, how filled	502, (8)	228
Terms, how to be arranged	502, (9)	228
Election, who may vote at election	502, (10)	229
—Challenges of electors	502, (11)	229
—Expenses of, how to be paid	502, (12)	229

HeinOnline -- 1913 659 1913

	Sec.	Page.
School Laws—Continued.		
To give official bond	503	229
How compensated	503	229
Board, organization of, and election of officers	504	230
Number of meetings in different districts	505	230
What shall constitute a quorum	506	230
Powers of, over property of district	507, (1)	230
May establish high schools	507, (2)	231
Of one district may transport pupils in another, when	507, (3)	231
May organize and maintain night schools	507, (4)	231
May transfer funds from one district to another, when	507, (5)	231
May bond district	506, (6)	231
In districts of first and second classes, may change or select sites	507, (6)	231
Powers and duties of	508	232, 233
As to property of district; indigent children; libraries, etc.	508, (1-14)	232, 233
To make annual report to county superintendent, when	508, (15)	233
To report to superintendent of public instruction, when	508, (16)	233
To determine branches to be taught	508	233
To visit schools in district, when	508, (18)	233
To make rules as to sanitary and moral conditions about school houses	508, (19)	233
To permit outside pupils to attend, when	508, (20)	233
To procure American flag and display same	508, (21)	233
May close school during session of Teacher's Association	508, (22)	234
Procedure in letting contracts	509	234
Liability of as such	510	234
School officers to deliver books, etc., to successors	511	234
May establish high schools	603	238
Power to suspend or expel pupils, when	508, (10) 232; 701, (3)	342
Duty of, as to creation of library fund	1200	262
Have control of library fund; annual report	1204	262
May furnish relief to pauper children unable to attend school, when	1108	261, 262
Not to purchase maps, etc., unless authorized	513	236
Failure to comply with sections 610, 612, misdemeanor	612, (5)	241
Liability for wrongful use of school funds	2004	282
Must see that school rooms are cleaned	1606	267
Power to employ counsel for prosecuting offenses against school laws	1910	279
Powers as to finances, see head "Finance."		
Residing in new county at time of creation, to continue in office	5	495
State Board of Education,		
Membership	100	198
Appointment of members and term of office	101	199
Oath of office	102	199
Officers of Board	103	199
What constitutes quorum	104	199
Meetings; no compensation; actual expenses only	105	199
Powers and duties	106	199–201
State Certificate and Life Diplomas,		
State Certificates, how obtained	108	203
—By examination	108 (a)	203
—By endorsement	108 (b)	203
—By renewal	108 (c)	203
Life Diplomas, how obtained	108	204
—By examination	108 (a)	204
—By endorsement; graduates of certain institutions	108 (b)	204
—On certificates from certain institutions of learning	108 (3)	205
Registration of	108 (3)	205
Revocation of, when	108 (4)	205
Superintendent of Public Instruction,		
Election, qualification, oath of office and bond	200	207
General powers and duties	201	207, 208
Deputy and assistants, salaries	201, (2)	207
Must print school laws, how often	202, (5)	208
Biennial report, contents	202, (6)	208
Number of copies of report	202, (7)	208, 209
To prepare course of study	202, (8)	209
To prepare rules for institute and summer schools	202, (9)	209
Shall advise county superintendents, and decide appeals	202, (10)	209
To make rules and regulations for school libraries	1205	263
To prepare examination questions for teachers' County certificates	202, (11)	209
Duty as to apportionment of school fund	202, (12)	210
Duties of state treasurer and auditor as to apportionment of school fund	202, (12)	210
Duties as to school libraries	202, (13)	210
May issue temporary state certificate; limitation	202 (14)	210

HeinOnline -- 1913 660 1913

	Sec.	Page.
Additional duties	202, (15)	211
Salary and expenses	203, 204	211
To cause prices of text books to be published	1808	274
To formulate course of study in manual training in industrial education	1700, (1)	267
Teachers,		
Qualifications for issuance of certificate	800	242, 243
Issuance of certificate	800	243
Tenure of office	801	244
Authority of teachers	802	244
Duties of teachers	803	244
To make annual report to county superintendent	803, (3)	244
Salary to be withheld until report made	803, (3)	245
To instil in the minds of pupils principles of morality, patriotism, etc.	803, (4)	245
To exercise diligence in care of school property	803, (5)	245
May inflict corporal punishment, when	803, (6)	245
Insulting or abusing teacher by parent or guardian, a misdemeanor	803, (7)	245
Disturbing public school meeting, a misdemeanor	803, (8)	246
Teacher maltreating pupils guilty of misdemeanor	804	246
Dismissal of, may appeal to county superintendent	805	246
Certificates may be suspended when and by whom	806	246
What shall constitute a school month in teachers' contracts	807	246
Teachers' Institutes and Summer Schools,		
Teachers' institutes to be held yearly	1000	253
All teachers must attend	1000, 1003	253, 254
Length of session	1001	253
Instructors to be selected from among whom, compensation	1002	253
Teachers not to lose salary for time spent in attending institute	1003	254
Revocation of certificate for failure to attend	1003	254
When trustees to be excused for not closing schools during institute	1003	254
High school teachers need not attend	1004	255
Institute and summer school fund created	1005	255
County Commissioners may appropriate money for fund	1005	255
Summer School,		
Course of study for summer school	1006	255
Teachers to be credited with work attending summer school	1006	255
May be held in lieu of county institutes	1006	255
Expense of institutes and summer schools, how paid	1007	256
Text Book Commission,		
Appointment, terms of members	1800	269
Organization, officers to be elected	1801	270
Meetings to be public, quorum	1801	270
Place where and time when to meet	1802	270
Limit of length of session	1802	270
Contracts for supplying text books, advertisement in newspapers	1803	271
Contracts, sealed proposals, requirements of	1803	271, 272
Manner of selecting text books	1804	272
To have power to make contracts in name of state	1805	273
Contractors' bond, when Governor may declare forfeited	1805	273
Contract price not to exceed lowest wholesale price in any state	1805	273
Bond of contractor	1806	273
When contract and adoption of books shall be void	1807	274
Books adopted to continue in use for five years	1807	274
Prices of books adopted to be printed and posted	1808	274
Penalty for using other than bookks selected	1809	274
Compensation of members, traveling expenses, and appropriation therefor	1813	276
Limit of length of session during year	1813	276
Text Books,		
County Superintendent report on use of books	1810	275
Election on proposition to supply free text books; ballots, etc.	1811	275
To be loaned to pupils free of charge	1811	275
Special levy to provide free books	1812	275
Miscellaneous Provisions,		
Action for violation, jurisdiction of courts and procedure	1910	279
County attorney to act as legal adviser to school officers	2296	305
Duty of trustees to provide sufficient accommodations in public schools	1912	280
Cost of prosecutions of violations of Act, how paid	1913	280

HeinOnline -- 1913 661 1913

	Sec.	Page.
School Laws—Continued.		
Fines and penalties, how to be collected, and paid into what fund	2201	304
Jury trial in action for violation	1911	280
Five per cent of proposed increase of rate of taxation for state purposes, to be used for	1	462
Penalties and fines for neglect of official duties under Act	1910	279
Penalties for violation of provision of act	2207	305
Penalties for repeated violation of act	1911	279
Printing and binding, how to be done and at what prices	2202	305
Purchase of maps and apparatus, etc., to be paid for, when only	2204	305
School officers must take official oath	2205	305
School officers not to act as agent for the sale of books, etc.	2203	305
Secretary of State,		
Duties, as State Sealer of Weights and Measures, see State Sealer of Weights and Measures.		
—as to registration of motor vehicles, see Motor Vehicles.		
—as to free transportation on railroads, etc	1	103
—of pertaining to balloting on initiative and referendum measure	1	130
Member of State Board of Commissioners for Insane	1	110
Member of State Tax Commission	1	192
To procure quarters for records of Grand Army, in Capitol	1	43
Seeds.		
"Agricultural Seeds" defined	1	10
Label on package, to contain what	2	11
Act shall not apply to what	3	11
Penalties for violation of Act	4	11
Duty of Director of Experiment Station	5, 9	12
Director of Experiment Station, may employ agents, compensation	6	12
Certificate of test, presumptive evidence	8	12
Violation of act, duty of director of Experiment Station	9	13
Violation of act, duty of Attorney General	9, 10	13
Duty of county attorneys, upon violation of Pure Seed Act	9, 10	13
Receiving or shipping of seeds, infected with insect pests, penalty	3	117
Seining, see Game and Fish.		
Seizures, see Game and Fish.		
Senate,		
Representation of New Counties	14	502
Sewers, culverts, etc., see Special Improvements.		
Shade trees,		
Cutting of, along highway, misdemeanor	10	156
Sheep,		
Shipped into state must be quarantined and dipped, when and where	Ch. 470, 1,	470
To be branded after dipping; second dipping, when	1	471
To be inspected at first unloading point, by whom	1	471
Trailing of for certain distance prohibited without quarantine and dipping, when	1	471
When driven into state, procedure	1	472
State Veterinarian may order quarantine and dipping, when	1	472
Imported rams, how often to be dipped and where	1	472
See, also, Livestock.		
Sheriffs,		
To act as Bounty Inspector, fees therefor	1	419
Duty of, in examining and marking skins	1	419
Form of affidavit required from claimant of bounty	1	419
Shall deliver to claimant a certificate, and a duplicate to county clerk, showing what	1	420
To keep record of skins marked, what to contain	1	420
Disposition and marking of scalps	1	420
Making false certificate by taxpayers; a felony	1	421
On what days skins to be examined or certificate issued.	1	421
Must report to county clerk with reference to examination of skins, etc.	1	421
Skins to be destroyed by County Clerk and County Treasurer, how	1	421
Duties of, in selling mortgaged personalty	12–14	381,382
Sidewalks, Curbs, Parking, etc., see Special Improvements.		

HeinOnline -- 1913 662 1913

	Sec.	Page.
Soldiers' Home,		
Who eligible to admission	1	425
Certificate of disability to be issued by whom	1	425
Transportation to be paid by county in which applicant resides	1	425
Residence of applicant in state and county, for how long	1	426
Persons who cannot become inmates	1	426
Wives and widows of soldiers and sailors may be admitted, when	1	426
Sparring Matches, see State Athletic Commission.		
Special Improvements,		
What deemed public streets, alleys, etc., for purposes of Act	1	394
For what purposes council may create districts	2	394, 395
Power of council to order wires, etc., underground	2	395
ground	2	395
Resolution, first step in creation; contents of	3	395
—Notice of passage of, publication and mailing, to whom	3	395, 396
—What may be included in one resolution and one contract	3	396
Where work already done, lots to be excluded from assessment	3	396
When lots not fronting on improvement, subject to assessment	4	396
Protests, manner of making, and time within which to make	5	397
—Hearing of; effect of protest by majority of feet frontage	5	297
—Majority opposed, to end improvement for six months, except when	5	397
Council acquires jurisdiction, when	6	397
Description, what sufficient susequent to resolution	7	397
Contracts,		
Notice for bids; publication, how long and where	8	398
Opening of bids, when; check to accompany	8	398
Bids deposited wth clerk, opening of by council in open session	8	398
Council may reject all bids; award to lowest responsible bidder	8	398
Re-advertising for bids, when	8	398
Forfeiture of check accompanying bids, when	8	398
Owners of three-fourths of frontage may contract for work, when	9	399
Contractor refusing to enter into procedure	10	399
Whose bids not to be received, upon re-advertising	10	399
Failure to complete in time, procedure	11	399
Contractor to give bond; amount and conditions	12	400
Irregular proceedings, complaint by owner to be in writing	13	400
Objections and claims for damages, when deemed waived	13	400
Cost and Assessment,		
Council may adopt area plan of payment	14 (a)	400
Apportionment of cost between corner and inside lots	14 (a)	401
Apportionment of cost to district, in proportion to lineal feet abutting improvement	14 (b)	401
Above method not to apply to what improvements	14 (b)	401
Street intersections, council may pay cost of improvements, out of any funds	14 (b)	401
Street Railways to bear what portion of cost	14 (b)	401
Improvement fronting on federal property, how paid for	14 (2)	402
Work done by property owner at own expense, credit to be given; procedure	14 (3)	402, 403
Railroad and street railway rights of way to be assessed, when	14 (4)	403
Damages awarded to property owners, to be added to cost of district	19	406
Levy of assessment for cost	20	407
Assessments to bear what rate of interest; payment	21	407
Expenses incident to formation of district considered part of cost	22	407
City engineer to keep account as to expense incurred for each district	22	408
Assessments constitute lien upon property	23	408
When County Treasurer to collect special assessments	27	411
City treasurer to collect assessments, when	27	412
When payment becomes delinquent, effect on balance due	27	412
Council may correct any erroneous assessment by reassessment and re-levy	28	412
Collection of assessment on re-levy, procedure	28	412
Payment under protest, action to recover	29	413
—Time within which action must be brought	29	413

HeinOnline -- 1913 663 1913

	Sec.	Page.
Special Improvements—Continued.		
Sewers,		
Classification of	15	404
Public sewers may be established where; extensions	15	404
Public sewers, how paid for	15	404
Public sewers serving as district sewers; cost, how assessed	15	404
Opening, Widening, etc., Streets, etc.,		
Cost, manner of assessment	16	404
Resolution, contents of	16	404
Notice, publication and contents	17	405
Hearing objections; modification of assessment	17	405
Parking,		
Maintenance of	18	405
Trees, etc., assessment for maintenance, how	18	405
Maintenance, money collected to be paid into what fund	18	405
Maintenance district may be changed, how	18	406
Warrants to be issued for work	20	407
Payment for construction may be extended over what time	20	407
Misnomers or mistakes not to invalidate assessments	24	408
Bonds and Warrants,		
To be paid for by District Bonds or Warrants	25	408
Form of	24	408
To be drawn against what fund; interest payable when	25	410
Execution; registration, coupons	25	410
Denominations of bonds, redeemable when	25	410
Duty of treasurer in calling in, for payment	25	410
Denominations of bonds, to be fixed by council; rate of interest	25	411
Improvement contracts payable in	26	411
May be delivered in installments as work progresses	26	411
Not to be delivered to contractor in excess of work done at the time	26	411
When Council may sell at par, and for what purpose	26	411
Miscellaneous Provisions,		
Cities not having engineer authorized to employ suitable person for purposes of act	31 (8)	415
Council may order and lay sidewalks and construct curbs, without creating district	20	406
Duty of city clerk as to publication or posting of notices	34	316
Errors of officer as to publication or posting of notices not to invalidate proceedings	34	416
Hearings, jurisdiction of council not lost because not had at time and place fixed	32	416
Mistake in description of property, not to vitiate lien	30	413
Municipalities not having mayor, duties to be performed by whom	31 (10)	415
Notices, resolutions, etc., publication, where and how often	31 (4)	414
Proof of publication and posting of notice	31 (4)	414
Publication of notice, "twice" to mean what	31 (4)	414
Definitions,		
"City Council" to include what body	31 (9)	415
"City Engineer" to mean what person	31 (8)	415
"City Treasurer," title defined	31 (13)	416
"Clerk" and "City Clerk" to include what officer	31 (11)	415
"Incidental expenses," shall include what	21 (3)	414
"Municipality" and "City" to include what corporations	31 (5)	414
Terms used in Act	14 (4)	403
"Paved," or "Repaved" to include what kind of pavement	31 (6)	415
"Street intersection," to mean what	31 (14)	416
"Quarter block" to mean what	31 (12)	415
"Street," "Main streets," and "Blocks" to be held to mean what	31 (7)	415
"Work," "Improved," "Improvement," what to include	31 (2)	413
Who to be regarded as "owner" of property for purposes of act	31 (1)	413
Stallions,		
Service of, a lien when and on what	1	65
Filing of notice, and duration of lien	1	65
Selling of mare or foal, without consent of lien holder, a misdemeanor	1	65
State Agricultural College,		
To act in conjunction with Dairy Commissioner	3	309
Treasurer of, duties and powers as to certain moneys	109	205, 206
See, also, School Law under head "Local Executive Board."		

HeinOnline -- 1913 664 1913

	Sec.	Page.
State Athletic Commission,		
Creation of	Ch. 97, 1	429
Governor to appoint three members, term of office	Ch. 97, 1	429
Compensation of members	Ch. 97, 1	429
Organization; rules to be adopted by, for administration of office	1	430
Two members to constitute a quorum	1	430
Shall appoint secretary, duties	2	430
Secretary may issue subpoenas and administer oaths	2	430
—Disobedience of subpoena and perjury, penalties	2	430
Limit of expenditure	2	430
To make full report to Legislative Assembly	2	430
Boxing and sparring matches to be conducted under supervision of	3	430
May issue or revoke license to give boxing matches	3	430
License subject to rules and regulations by commission	3	430
Application for license must contain what	3	431
Construction of buildings where exhibitions held, fire escapes, etc.	4	431
Limit of number of rounds permitted	5	431
Weight of gloves used at exhibitions	5	431
Contests between persons of different races prohibited	5	431
Contestants to undergo physical examination, by whom	5	432
Sham sparring matches prohibited; forfeiture of license	6	432
Penalties imposed upon contestants in sham or fake matches	7	432
Club, etc., to report to commission gross receipts of exhibition	8	432
Club, etc., to pay to state treasurer ten per cent of gross receipts	8	432
Disposition of money received by state	8	432
Club, etc., must file bond with State Treasurer, before license can issue	8	433
Salaries and expenses to be paid from ten per cent tax	9	433
Club, etc., failing to report, State Treasurer may examine witnesses, for what purpose	10	433
Default in payment of tax to result in forfeiture of license, when	10	433
Violation of Act, misdemeanor	11	434
City ordinances relative to boxing superseded	12	434
State Auditor,		
Bond of commissioner of Agriculture and Publicity to be filed with	1	109
Commissioner of Labor to file bond with	2	106
Duties as to issuing warrant for slaughtered diseased livestock	4	135
Duty of Commissioner of Insurance when process served on Auditor	1	55
Filing of written authority of attorney in fact with, by foreign insurance companies	1	54
Grain Inspector to report to, when	10	70
May appoint chief clerk, at what salary	Ch. 130 1	481
May appoint special deputy Fire Marshal	1	427
Member of State Tax Commission	1	192
Service of process on, in matter of foreign insurance companies, when	1	55
To be ex-officio Investment Commissioner	24	377
To draw warrant for payment of proceeds of escheated property, when	1	483
To draw warrant in favor of counties on highway fund	11	326
To issue order for return of fee to shipper of grain, when	15	71
To issue warrant on state school fund, when	202 (12)	210
State Board of Commissioners for Insane,		
To consist of whom	1	110
Powers and duties	2	110
Superintendent and Assistant of Asylum,		
Appointment	3	110
Term of office and salaries	3	111
Charges against, notice and time of hearing	3	111
Removal upon charges sustained	3	111
Temporary suspension, when	3	111
Control of Asylum, subject to rules of board	4	111
May appoint medical assistant	4	111
Medical assistants; salaries now fixed	4	111
Official oath, and bond approved by Board	5	111
State Board of Education,		
To prescribe rules, courses of study, etc., for Forestry School	3	482
See, also, Northern Montana Agricultural and Manual Training School; School Law; University of Montana.		

HeinOnline -- 1913 665 1913

	Sec.	Page.
State Board of Entomology,		
Shall be composed of whom	1	466
Who shall be chairman and who secretary	2	466
Only expenses to be paid	3	466
Duties of Board	4, 5	466
Powers of Board; what it may not do	6	466
Rules and regulations of, subject to approval of State Board of Health	7	466
Publication of rules and regulations; distribution	8	466
Violation of rules of Board a misdemeanor	9	467
Appropriation for purposes of	10	467
State Board of Equalization,		
County appraisers must report to	9	194
State Board of Examiners,		
Duty, on appeal from ruling of Investment Commissioner	11	372
May authorize assistant to deputy State Examiner	4	366
Not to limit local executive boards of educational institutions as to certain expenditures	107 (6)	202
Powers and duties as to expenditures by educational institutions	110	206
To approve report of Commissioner of Labor before publication	10	108
To pass accounts of assistant sealers of Weights and Measures	3	353
State Board of Health,		
Communicable diseases, duty of Board	1	15
Duties as to plans for school houses	1601–1604	266–267
Must approve rules of State Board of Entomology before effective	7	466
Secretary to be member of Board of Entomology	2	466
State Board of Horticulture,		
Duty in connection with eradication of insect pests	1	117
To issue licenses to agents selling nursery stock	1	435
State Board of Land Commissioners,		
Authority to sell land to school districts for site purposes	1600	266
May invest funds of permanent school and permanent university fund in what securities	2	468
May invest in first mortgages on farm lands; regulations regarding same	2 (7)	468, 469
May invest State Normal School fund, in what securities	1	467
Must notify state auditor of amount of school fund subject to apportionment	202 (12)	210
Notice to, of sale of municipal bonds	Ch. 25 1	25
To keep school funds invested in certain securities	3	469
State Board of Poultry Husbandry, see Poultry Husbandry.		
State Board of Prison Commissioners,		
Suspended sentences, Rules and regulations by	6	22
—Duty of Board	4	21
—Termination of probation of person under	7	22
—Discharge of prisoner, when	8	22
—Persons under control of	3	21
—May remove or suspend warden of state prison	1	10
State Board of Railroad Commissioners,		
Duties as to requiring railroads to construct stations at railroad intersections, see Railroads.		
Duties as to railroad crossings	4	19
Loading Platforms, Duty of, pertaining to erection of	1	25
—Failure to erect platform, duty of Board	1	25
—Enlargement, Board may order	3	26
—To inquire into observance of laws looking to safety of railroad employes, and prosecute, when	1	460
—To report as to its actions in premises	2	460
Duties as to Steam Vessels, see Steamboats, Ferry Boats, etc.		
Ex-officio Public Service Commission, see Public Service Commission.		
State Board of Veterinary Medical Examiners,		
Creation; to be appointed by Governor	1	344
Nomination; manner of appointment; terms of office	1	344
Proof of qualification before appointment	1	345
Certificate of appointment; oath; officers; meetings and powers	2	345
Traveling expenses; compensation of secretary-treasurer	3	345
Funds to be kept by treasurer up to what amount	3	346
To make annual report to Governor	3	346
Application for license; fee and examination	4	346
License to be issued, when	4	347

HeinOnline -- 1913 666 1913

	Sec.	Page.
Who entitled to license without examination	4	347
Failure to pass examination; re-examination, when	4	347
Temporary license may be issued, when	4	347
Farriers application for license	5	347
Definition of term "Farrier"	6	348
Manner of issuance of license; revocation of, when	7	348
Licenses and certificates to be displayed	8	348
Certificates from other states, to be honored, when	8	348
Veterinary Medicine and Surgery defined	9	349
Persons not to practice after July 1, 1913, without license	9	349
Revocation of license, when	10	349
Who not embraced within provisions of Act	11	349
Practicing in violation of Act, penalty	12	350
Who may bring action for violation of provisions of Act	12	350
Practicing under assumed name, trading in licenses, etc., prohibited	12	350
State Boiler Inspector,		
Appointment and duties	1	32
Term of office and salary	1	32
Who eligible to hold office	2	32
Three assistants, qualifications	3	33
Assistants, appointed by whom	3	33
Salaries of Assistant Inspectors	3	33
Clerk, appointment and salary	3	33
Clerk to give bond	3	33
Office at Capitol	4	33
Rules for inspection of boilers	4	34
Examination of applicants for license, rules	4	34
Inspect steam boilers and steam generators, when	5	34
Annual inspection	5	34
Extension of certificate without actual inspection, when	5	34
Bringing boiler into state, notice to inspector	5	34
Failure to give notice of acquisition of boiler, penalty	5	34
Tampering with safety valve, misdemeanor	6	35
Nature of Tests	5, 6	34, 35
Pressure used in tests	6	36
Cast iron not to be used, when	6	36
Free access to boilers	7	36
To seal fire box, when	7	36
Tampering with seal on fire box, penalty	7	36
Sealed boiler, cost of inspection, owner to pay	7	37
Engineers to assist inspector; penalty for refusal	7	37
Engineer's license not to be granted to whom	8	37
Operating steam engine without license, penalty	8	37
Classification of engineers, and qualifications of each class	9	37
Firemen must hold third class license, when	9	38
Traction engine licenses	9	38
—Holder not to operate other steam machinery	9	38
—Qualifications of engineer	9	38
—Revocation of engineer's license, when	10	38
Inspection may be by one or all inspectors jointly	11	39
Issuing fraudulent certificates or license, penalty	11	39
Fees for inspecting boilers	12	39
Fees, failure to pay, inspector may seal fire box	12	39
—Removing seal from fire box, penalty	12	39
Fees for issuing engineer's license	12	39
Examination of applicant; failure to pass; second examination	12	39
Certificate and license to be posted in engine room	12	40
Act not to apply to certain boilers and engineers	13	40
Traction engines, owner to give notice of purchase	13	40
—Penalty for failure to give notice of purchase	13	40
Engineers' Licenses, Renewal yearly	14	40
—Failure to renew, effect	14	40
Moneys collected to be paid to state treasurer	14	40
Annual report	14	40
Operation of boilers without license prohibited	15, 41; 17	42
Unlicensed person may operate, when	15	41
Unlawful for persons to employ unlicensed engineer	15	41
Use, sale, renting or delivery of second hand boilers prohibited, except when	16	41
Permitting unlicensed engineer to operate engine prohibited	17	42
Operation of boilers without license prohibited	15, 17	41, 42
Member of Department of Labor and Industry	1	106
Appointment of, by whom	9	108
Report published biennially; combined with Labor report	10	108
To inspect boilers on steamboats, etc.	13	125
Must inspect engines driven by gas, etc., when; duties	2	474

HeinOnline -- 1913 667 1913

	Sec.	Page.
State Bureau of Child and Animal Protection,		
Secretary may appoint special deputy	1	439
Duties and powers of special deputy	2, 3	439
Salary and traveling expenses of deputy, how paid	4	440
State Coal Mine Inspector,		
Appointment, by whom	9	108
Appointment of deputy by Governor; from whom to be selected	1	502
Deputy; powers and duties; salary, bond, etc.	2	503
Clerk, appointment and salary	3	33
Member of Department of Labor	1	106
State Dairy Commissioner,		
Appointment, term of office and salary	1	307
Shall appoint and have control of two deputies; salary of same	1	307
Qualifications necessary	1	307
Traveling expenses of self and deputies; limit	1	307
Office to be in State Capitol	1	307
One deputy to devote special attention to dairy products	1	308
Appropriation for office	2	308
Duties,		
To inspect creameries, etc.	3	308
May condemn products, when	3	309
To advise county attorney of violations of Act	3	309
Must compile statistics relative to industry	3	309
To act in conjunction with Montana State Agricultural College	3	309
To inspect creameries, etc., take samples in duplicate for tests	3	310
Tests of products, manufacturer to be notified	3	310
Power to examine under oath	3	310
To make annual report to Governor	3	310
"Sanitary" means what, under Act	4	310
Inspection; must leave duplicate score card with owner	4	310
Stables, barns, etc., how to be kept	4	310
Inspection, record to be kept	4	311
Definitions of products	5	311
Sale of adulterated milk prohibited	6	312
Impure milk or cream to be labeled	6	312
—Cans or bottles of others not to be used by non-owner	7	312
Changing or erasing name of owner on cans, etc., prohibited	7	312
Cans, etc., must be cleaned before re-using	7	313
Keeping products in unsanitary places, prohibited	8	313
Butter and cheese factories,		
Books to be kept open for inspection	9	313
Registration with commissioner	10	313
Babcock test, operator to pass examination	11	314
Duties, as to Babcock test apparatus	11	314
Babcock test, duty of Commissioner	11	314
Imitation butter to be labeled	12	314
Adulterations prohibited	13	314
Renovated butter to be plainly marked as such	14	315
Patent butter, sale of, prohibited, when	15	315
Imitation or filled cheese, sale prohibited as cheese	16	315
Use of coloring matter prohibited, when	17	316
Coating of butterine, etc., to resemble butter forbidden	17	316
Trade mark may be registered with Commissioner; effect	19	317
Discrimination and creating monopoly, forbidden	21	317
Manufacture and sale of poisonous coloring matter forbidden	17	316
Skimmed milk may be sold, under what conditions	18	316
Standard Weights and measures, what constitutes	20	317
Penalty for violation of Act	22	318
State Engineer,		
Carey Board to reimburse general fund, what amount	1	463
Ex-officio member of State Highway Commission	1	319
Salary fixed	Ch. 118, 1	463
To report to Carey Land Act Board, as to work performed for it	1	463
State Entomologist,		
To be member of State Board of Entomology	1	466
Duty in connection with eradication of Insect Pests	1	117
See, also, State Board of Entomology.		
State Examiner,		
To examine books and accounts of incorporated cities and towns	1	365
To examine books and accounts of school districts of first and second class	1	365

HeinOnline -- 1913 668 1913

	Sec.	Page.
Laws applicable to examinations	2	366
Cities and towns and school districts, to pay into Examiner's fund, what amount	3	366
May appoint additional deputy, salary of same	4	366
State Board of Examiners may authorize assistant to additional deputy; salary	4	366
Appropriation for purpose of Act	5	366
State Fire Marshal, see Fire Marshal.		
State Game Warden,		
May issue permit to kill certain animals in Game Preserves	2	47
Duty of, pertaining to Gun License from aliens	1	53
Search for firearms, under Gun License Act	3	53
Power to appoint six additional deputies	Ch. 96, 1	429
Salaries of deputies and traveling expenses	Ch. 96, 1	429
See, also, Game and Fish.		
State Grain Inspection Department, see Grain Elevators, etc.		
State Highway Commission,		
Appointment of board by Governor	1	318
To be composed of whom; quorum	1	318
Secretary to be civil engineer, salary	1	319
Compensation of members, other than secretary	1	319
Expenses and maximum annual compensation	1	319
Organization; monthly meetings, etc.	2	319
Has power to administer oaths	2	319
May employ stenographer; salary of	2	219
To keep records and file maps and papers	2	319
Must give advice as to road construction	2	319
Employes of, to have expenses when traveling	2	320
Attorney General to be legal adviser	2	320
Duty of county commissioners to furnish road maps ,etc.	3	320
Road maps furnished by commissioners to be filed, where	3	320
Other duties of county commissioners	3	320
Maps of public roads to be kept on file	4	321
May classify roads	4	321
State roads, what constitutes	4	321
Creation of State Highway Fund	5	321
Appropriation for purposes of	6	321
Accounts to be certified by chairman	6	321
Members not to be interested in road contracts	7	321
Apportionment of State Highway fund	8	322
Improvement of roads on boundary lines between counties, liability of counties	8	322
Road construction; rules and regulations	9	323
County Commissioners,		
To make surveys, establish grades, etc.	10	323
To have charge of construction, subject to supervision	10	323
May employ engineer and road builder; compensation	10	324
To let road contracts for road construction	10	324
To report to Highway Commission, when and what	11	325
Convict labor permitted on roads	10	324
Bond of contractor on road work	10	325
Payment on contracts, how to be made by county commissioners	10	325
Must certify to state auditor amount apportioned to each county	11	226
To make detailed report to Governor, when	12	326
State Highway Fund,		
Fines from motor vehicles act to be placed in	11 (3)	170
Motor license moneys to go into	2 (3)	138
State Insane Asylum. see State Board of Commissioners for Insane.		
State Institutions,		
May take by gifts, grant, devise, etc.	1	16
Who may make gifts, devises, etc., to	2	17
Gifts, etc., to, for what purpose to be used	1, 2	17
State Normal School,		
Amendment to Constitution relative to increase of rate of taxation for educational purposes	1	461
Graduates from, to be given credits on examination for teacher's certificate	908	252
Investment of funds of, see State Board of Land Commissioners.		
State Parole Commissioner,		
Appointment and tenure of office	1	13
Duties of	2	13
Arrest of paroled prisoners, when	2	14
Compensation and expenses	3	14
Duty of, as to persons under suspended sentence	6	22
See, also, Prisoners.		

HeinOnline -- 1913 669 1913

	Sec.	Page.
State Prison,		
Warden, Appointment	1	9
—Tenure of office	1	10
—Removal by whom	1	10
—Charges against, must be in writing	1	10
—Hearing, notice	1	10
—Suspension, until when	1	10
—Duties of, as to parole of prisoners,	2	13
See, also, State Board of Prison Commissioners; State Parole Commissioner.		
State Quartz Mine Inspector,		
Appointment, manner of	9	108
Biennial report, what to contain	10	108
Clerk, appointment and salary	3	33
Member of Department of Labor	1	106
State Reform School,		
Superintendent, duties of, as to parole of inmates	2	13
State Sealer of Weights and Measures,		
Secretary of State, ex-officio sealer	1	351
Who to act as deputies	1	351
Duties and powers	2 (a)	351
May create weights and measures districts	2 (b)	352
May appoint inspectors for weights and measures districts	2 (b)	352
Inspectors to be paid by districts	2 (b)	352
County Commissioners may apply for creation of district	2 (c)	352
May remove and put another in place of municipal sealer, when	2 (d)	353
May appoint deputy sealer; salary of same	3	353
Powers of deputy and inspectors	3	353
Accounts of deputy and inspectors to be allowed, how	3	353
Powers as to inspecting and testing weights and measures	4, 5	353, 354
Must annually inspect weights and measures of State Institutions	4	354
Certificate to be issued by, and attached to weights and measures	5	354
Municipal inspectors to pay for certificates required, what sum	5	354
Untested weights or measures not to be used; misdemeanor	6	354
Penalties for first and second convictions under Act	6	355
Merchants must have weights and measures tested annually, between what dates	7	355
Duty to examine all measuring devices	8, 9	355, 356
Power to enter premises for testing purposes	10	356
Prosecution for violation of act, by whom	10	357
Track scales of railroads to be under control of	11 (a, b)	357
Defrauding persons by means of private or public scales, penalty	11 (c)	357
Packages to contain true weight or measure; exception	12	358
Unlawful to sell commodities except by true net weight or measure; exceptions	12 (a)	358
False or short weights unlawful	12 (b)	358
Violation of any provision of act a misdemeanor	12 (c)	359
Confiscation of weights and measures, when	12 (c)	359
Person defrauded may recover treble damages	12 (c)	359
Violation of provisions; what to constitute prima facie evidence of wrongdoing	12 (c)	359
Slight variation not to constitute violation	12 (c)	359
Records to be kept and reports made by sealers and inspectors	13	359
Certification of weights and measures without verification a misdemeanor	14	360
Weights and measures to be marked, how and where	15	360
Apothecaries' weights and measures to come under provisions of Act	15 (a)	360
When weights and measures not to be used, fixing notice on	16	361
Removal of notice without consent of officer, misdemeanor	16	361
When weights and measures to be condemned	16	361
Weights and measures may be seized, to be used as evidence	18	361
Peddlers using scales, measures, etc., must have same sealed and adjusted	19	361
Peddlers failing to comply with provisions of Act, misdemeanor	19	361
Milk and Cream,		
Jars and bottles used by dealer to come within Act	20	361
Dealer selling or delivering in violation of Act, guilty of misdemeanor	20	362

HeinOnline -- 1913 670 1913

	Sec.	Page.
Purchaser may have jars and bottles tested	20	362
When purchaser may make complaint to officer authorized to bring action	20	362
Capacity of jars and bottles to be blown in glass	21	362
Dealer using jars or bottles not conforming to Act, guilty of misdemeanor	21	362
Each jar and bottle not having capacity blown in, to constitute separate offense	21	362
Having false weight or measure in possession, to constitute misdemeanor	22	363
What shall constitute legal weight or measure throughout state	23	363
Selling a less quantity than represented is fraud	24	363
Shall establish tolerances	25	364
Refusal to permit officer to examine weights and measures, a misdemeanor	26	364
To promulgate rules and regulations for government of inspectors	27	364
Rules and regulations to have force of statute	27	364
Rules and regulations to be published in newspaper	27	364
Penalty for violation not otherwise provided for	28	364
State Scaler and deputies to be ex-officio deputy sheriffs	29	364
Fines and penalties to be paid to State Treasurer	30	365
Officers collecting fines under Act, to report, to	30	365
State Tax Commissioner, see Tax Commission.		
State Text Book Commission, see School Law.		
State Treasurer,		
Authorizing transfer of funds from general to Agricultural College fund	1	137
Deposits of funds into Fish and Game fund	17, 28	338, 341
Disposition of fees collected by Investmnt Commissioner	23	376
Duties of, upon failure of promoters of sparring match to report receipts	10	433
Duty to certify to county treasurer apportionment of school fund	202 (12)	210
Fees for inspecting grain to be paid to	10	70
Member of State Tax Commission	1	192
Money collected by State Boiler Inspector to be paid to	14	40
Payment of salaries and expenses of Investment Commissioner, out of what fund	23	377
Ten per cent of gross receipts of boxing exhibitions to be paid to	8	432
To assist in canvassing returns of primary elections	24	584
To keep one mill of proceeds of increase in rate of taxation for educational purposes in separate fund	2	462
To pay to school districts ten dollars per student attending Manual Training School	1700 (4)	269
To place collections on motor license into State Highway Fund	3	138
To place fines from motor vehicle Act in State Highway Fund	11 (3)	170
To return fee to shipper of grain when	15	71
To be Treasurer of State Board of Education	103	199
State University, see University of Montana.		
State Veterinarian,		
Duties as to quarantining and dipping of sheep	1	470
Duties as to quarantining of cattle, see Livestock.		
Duties as to slaughtered diseased cattle	3, 4	134, 135
To be member of Board of Entomology	1	466
Stationary Engineers, see State Boiler Inspector.		
Steamboats, Ferry Boats, etc.,		
Inspector,		
Appointment by Railroad Commission, qualifications	1	119
Compensation of	18	126
Annual inspection; may order changes and repairs	2	119
May fix limit of carrying capacity of vessel	2	119
Examination of vessel, duty of person in charge	2	119
Life saving apparatus; examination of	2	120
Shall report to Railroad Commission on condition of vessels	3	120
To have free access to, and transportation on, vessels	3	120
Power to tie up boat, if deemed unsafe	3	120
Penalty for releasing vessel deemed unsafe	3	120
To inspect life preservers	12	125
Railroad Commission to issue licenses to boat, captain and pilot, when	4	120
General Provisions,		
Railroad Commission to make rules and regulations	4	120

HeinOnline -- 1913 671 1913

	Sec.	Page.
Steamboats, Ferry Boats, Etc.—Continued.		
Number of passengers allowed to be carried; penalty for violation	5	121
Construction with view to fire protection	6	121
To be equipped with steam or compressed air whistles	7	121
Rules to prevent collision	7	121, 122
Fog or thick weather signals	7	123
Distress signals; duty to render assistance	7	123
Length of time to remain at wharf or dock	7	123
Rules of construction of provisions of Act	7	123
What deemed sailing, and what steam vessel	7	123
Must obey rules made by commission	7	123
Copies of rules to be posted on boat, where	7	123
Lights to be exposed on boat, what kind and where	9	124
Force pump for throwing water to be carried	10	124
Life boats to be carried, and practice drills held; record of	11	124
Life preservers, quality and kind, and number of required	12	125
—Where to be kept	12	125
State Boiler Inspector to inspect boilers	13	125
Name to be printed on, how and where	14	125
If licensed officers not available, railroad commission may supply temporarily	15	125
Inspection fees fixed	16	125
License fees fixed	17	126
Inspection fees, when to be paid	18	126
License fees, when to be paid and when returned	18	126
Fees collected to be turned into State Treasury	18	126
Inspection and license fees relating to steamboats, to be paid to	18	126
Duty of Railroad Commission in enforcing provisions of Act	19	126
Unlawful to operate boats without complying with Act	20	126
Penalty for violation of Act	21	126
Steam Boiler Insurance, see Insurance Companies.		
Street Railways,		
Failure to heat vestibules of car, penalty	2	64
Kind of brakes required on cars	1	343
Open or summer cars to be equipped with wind shields	Ch. 104, 1	441
To bear what portion of cost of special improvements	14 (b)	401
Unlawful to operate street cars without vestibules, when	Ch. 104, 1	441
Vestibules on car to be heated, when	1	64
Violation of Act requiring certain brakes on cars, misdemeanor	2	343
Streets, Crossings, see Railroads; Special Improvements.		
Suffrage, Amendment to Constitution, see Constitution.		
Superintendent of Public Instruction,		
Member of State Board of Education	100	199
Secretary of State Board of Education	103	199
See School Law.		
Supreme Court,		
Attendant authorized to act as clerk	Ch. 20, 1	20
Marshal, fixing of salary	1	118
Suspended Sentences, see Prisoners; State Board of Prison Commissioners; State Parole Commissioner.		
Swine, see Livestock.		
Taxation,		
Amendment to Constitution permitting increase rate of taxation for state purposes, see Constitution.		
County Commissioners may levy tax for county fair purposes	Ch. 124, 1	473
Increasing rate of, for state purposes; amendment of Constitution, see Constitution		
Levy for State purposes	1-2	446
Levy for interest upon certain state bonds	3-6	446-447
See, also, Revenue and Finance.		
Tax Commission,		
Creation of, who shall compose	1	192
Commissioner, appointment	2	192
—Qualifications, term of office, bond	2	192
Powers, salary and expenses	2	192
To abstain from political activity	2	192
Shall not receive passes	2	193
Ex-officio member of Boards of county appraisers	2	193

HeinOnline -- 1913 672 1913

	Sec.	Page.
County Boards of Appraisers,		
Appointment, qualifications	4	193
Compensation to be allowed by board of commissioners	5	193
Duties of	6, 8	193, 194
County assessor to assist	7	193
To commence appraising when; notice	10	196
To make report, to whom	9	194
Duties and Powers	10	194
Certain corporations to make sworn statements annually	11	195
Corporations failing to make statements, penalty	12	195
Assessment of property in more than one county	13	195
County assessors to be furnished with list of appraised property	14	195
Assessors not to lower or raise appraisement made by	14	196
To furnish county boards of equalization with list	15	196
May assist and advise county boards of appraisers	17	196
Act shall not apply to what assessments	17	196
Shall elect secretary; duties, salary, etc.	18	197
Violation of provisions of Act; penalty	19	197
Tax Sales,		
Real property, redemption, what payments necessary	1	434
See, also, Irrigation Districts.		
Tenth Judicial District,		
Territory embraced in	3	112
Texas Cattle, see Livestock.		
Text Books, see School Law.		
Traction Engineers, see State Boiler Inspector; Engines.		
Trademarks,		
Forging or counterfeiting or wrongfully using, a misdemeanor	Ch. 94, 1	426
Transportation, free or reduced, see Railroads.		
Trees, Plants, etc., see Horticulture; Insect Pests; Nursery Stock.		
Truant Officers, see School Law, under head of "Compulsory Attendance."		
Tubercular Cattle, see Livestock.		
Unfair Competition,		
In buying, definition	1	7
Duty of attorney general to prosecute action	2	7
Violation of Act, a misdemeanor	3	8
In selling, prohibited	1	6
Revocation of corporation's charter, when	2	6
Duty of attorney general to prosecute action	2	6
Violation of Act a misdemeanor	3	7
United States		
Commissioners may take acknowledgments	1	9
May conduct fish hatcheries in State	1	8
Property of, special improvements, how paid	1 (2)	402
Representatives and senators to vote for candidate for senator receiving highest popular vote	1	617
University of Montana.		
Amendment to Constitution increasing rate of taxation for benefit of	1	461
State Board of Land Commissioners may invest permanent funds of, in what securities	2	468
State educational institutions constituting	1	423
State Board of Education to have control of	2	423
—to appoint president and faculty	2	423
—to appoint chancellor, and prescribe powers and duties of officers	2	423
—to make rules and regulations governing	2	423
—may grant diplomas and confer degrees	3	423
—to make rules preventing duplication of courses of instruction in state institutions	4	424
—to make estimates of appropriations needed for institutions	4	424
—to adopt seal for University	5	424
—seal to remain in custody of secretary of	5	424
Diplomas, degrees, etc., to be signed by chancellor	5	424
Duties and powers of presidents of institutions	6	424
See, also, Forestry School.		
Usury, see Interest.		
Vacancies,		
In county offices, how filled	1	4
Veterinaries, see State Board of Veterinary Medical Examiners.		

HeinOnline -- 1913 673 1913

	Sec.	Page.
Warehouses, see Grain Elevators and Warehouses.		
Weights and Measures,		
For dairy products	20	317
See, also, State Sealer of Weights and Measures.		
Witnesses,		
Who cannot be	1	57
Woman's Suffrage, see Constitution.		
Women,		
Hours of labor in Mercantile establishment	1	450
Employers to furnish seats, when	2	450
Violation of act, a misdemeanor	3	450
May vote at school election	502 (9)	229
Names not to be registered, at what elections	41	191

HeinOnline -- 1913 674 1913

Code Index.

Codes of 1907.

Sec.		Page.
79	Amended	52
110	Amended	129
111	Amended	130
149	Amended	23
270	Amended	43
282	Repealed	106–9
283	Repealed	106–9
284	Repealed	106–9
285	Repealed	106–9
286	Repealed	106–9
287	Repealed	106–9
288	Repealed	106–9
297	Amended	118
463	Amended	23
494	Repealed	183
495	Repealed	183
496	Repealed	183
497	Repealed	183
642	Repealed	306
643	Repealed	306
644	Repealed	306
645	Repealed	306
646	Repealed	306
647	Repealed	306
648	Repealed	306
649	Repealed	306
650	Repealed	306
651	Repealed	306
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658	Repealed	306
659	Repealed	306
660	Repealed	306
661	Repealed	306
662	Repealed	306
663	Repealed	306
664	Repealed	306
665	Repealed	306
786	Amended	467
791	Repealed	306
792	Repealed	306
793	Repealed	306
794	Repealed	306
795	Repealed	306
796	Repealed	306
797	Repealed	306
798	Repealed	306
799	Repealed	306
800	Repealed	306
801	Repealed	306
802	Repealed	306
803	Repealed	306
804	Repealed	306
805	Repealed	306
806	Repealed	306
807	Repealed	306
808	Repealed	306
809	Repealed	306
810	Repealed	306
811	Repealed	306
812	Repealed	306
813	Repealed	306
814	Repealed	306
815	Repealed	306
816	Repealed	306
817	Repealed	306
818	Repealed	306
819	Repealed	306
820	Repealed	306
821	Repealed	306
822	Repealed	306
823	Repealed	306
824	Repealed	306
825	Repealed	306
826	Repealed	306
827	Repealed	306
828	Repealed	306
829	Repealed	306
830	Repealed	306
831	Repealed	306
832	Repealed	306
833	Repealed	306
834	Repealed	306
835	Repealed	306
836	Repealed	306
837	Repealed	306
838	Repealed	306
839	Repealed	306
840	Repealed	306
841	Repealed	306
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843	Repealed	306
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845	Repealed	306
846	Repealed	306
847	Repealed	306
848	Repealed	306
849	Repealed	306
850	Repealed	306
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862	Repealed	306
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865	Repealed	306
866	Repealed	306
867	Repealed	306
868	Repealed	306
869	Repealed	306
870	Repealed	306
871	Repealed	306
872	Repealed	306
873	Repealed	306
874	Repealed	306
875	Repealed	306
876	Repealed	306
877	Repealed	306
878	Repealed	306
879	Repealed	306
880	Repealed	306

HeinOnline -- 1913 675 1913

Sec.		Page.
881	Repealed	306
882	Repealed	306
883	Repealed	306
884	Repealed	306
885	Repealed	306
886	Repealed	306
887	Repealed	306
888	Repealed	306
889	Repealed	306
890	Repealed	306
891	Repealed	306
892	Repealed	306
893	Repealed	306
894	Repealed	306
895	Repealed	306
896	Repealed	306
897	Repealed	306
898	Repealed	306
899	Repealed	306
901	Repealed	306
902	Repealed	306
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911	Repealed	306
912	Repealed	306
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916	Repealed	306
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928	Repealed	306
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930	Repealed	306
931	Repealed	306
932	Repealed	306
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1000	Repealed	306
1001	Repealed	306
1002	Repealed	306
1003	Repealed	306
1004	Repealed	306
1005	Repealed	306
1006	Repealed	306
1007	Repealed	306
1008	Repealed	306
1009	Repealed	306
1010	Repealed	306
1011	Repealed	306
1012	Repealed	306
1013	Repealed	306
1014	Repealed	306
1015	Repealed	306
1016	Repealed	306
1017	Repealed	306
1018	Repealed	306
1019	Repealed	306
1020	Repealed	306
1021	Repealed	306
1022	Repealed	306
1023	Repealed	306
1024	Repealed	306
1025	Repealed	306
1026	Repealed	306
1027	Repealed	306
1028	Repealed	306
1029	Repealed	306
1030	Repealed	306
1031	Repealed	306
1032	Repealed	306
1033	Repealed	306
1034	Repealed	306
1035	Repealed	306
1036	Repealed	306
1037	Repealed	306
1038	Repealed	306
1039	Repealed	306
1040	Repealed	306
1041	Repealed	306
1042	Repealed	306
1043	Repealed	306
1044	Repealed	306
1111	Repealed	112

HeinOnline -- 1913 676 1913

Sec.		Page.
1112	Repealed	112
1113	Repealed	112
1114	Repealed	112
1115	Repealed	112
1116	Repealed	112
1117	Repealed	112
1118	Repealed	112
1119	Repealed	112
1120	Repealed	112
1290	Amended	425
1291	Amended	426
1337	Repealed	161
1338	Repealed	161
1340	Repealed	161
1341	Repealed	161
1344	Repealed	161
1345	Repealed	161
1346	Repealed	161
1347	Repealed	161
1348	Repealed	161
1349	Repealed	161
1350	Repealed	161
1351	Repealed	161
1352	Repealed	161
1353	Repealed	161
1354	Repealed	161
1355	Repealed	161
1356	Repealed	161
1357	Repealed	161
1358	Repealed	161
1359	Repealed	161
1360	Repealed	161
1361	Repealed	161
1362	Repealed	161
1363	Repealed	161
1364	Repealed	161
1365	Repealed	161
1366	Repealed	161
1367	Repealed	161
1368	Repealed	161
1371	Repealed	161
1372	Repealed	161
1390	Repealed	161
1392	Repealed	161
1393	Repealed	161
1394	Repealed	161
1395	Repealed	161
1396	Repealed	161
1405	Repealed	161
1410	Repealed	161
1427	Repealed	161
1430	Repealed	161
1436	Repealed	161
1437	Repealed	161
1438	Repealed	161
1439	Repealed	161
1440	Repealed	161
1441	Repealed	161
1442	Repealed	161
1443	Repealed	161
1444	Repealed	161
1445	Repealed	161
1446	Repealed	161
1447	Repealed	161
1448	Repealed	161
1449	Repealed	161
1450	Repealed	161
1451	Repealed	161
1452	Repealed	161
1453	Repealed	161
1454	Repealed	161
1456	Repealed	161
1500	Amended	15
1639	Amended	32
1640	Amended	32
1641	Amended	33
1642	Amended	33
1643	Amended	34
1644	Amended	35
1647	Amended	36
1648	Amended	37
1649	Amended	37
1650	Amended	38
1651	Amended	39
1652	Amended	39
1655	Amended	40
1656	Amended	40
1657	Amended	41
1658	Repealed	42
1659	Amended	41
1728	Amended	441
1750	Amended	107
1840	Amended	417
1847	Amended	134
1848	Amended	134
1872	Amended	470
1906	Amended	419
1959	Repealed	336–7
1976	Amended	332
1977	Repealed	333
1977A	Repealed	333
2082	Amended	127
2196	Amended	468
2197	Amended	469
2199	Amended	24
2246	Amended	463
2680	Amended	434
2761	Amended	461
2801	Amended	113
2820	Amended	58
2821	Amended	59
2883	Amended	4
2957	Amended	453
3003	Amended	389
3116	Amended	454
3180	Amended	23
3240	Amended	453
3257	Amended	390
3318	Amended	437
3367	Repealed	416
3369	Repealed	416
3370	Repealed	416
3371	Repealed	416
3372	Repealed	416
3373	Repealed	416
3374	Repealed	416
3375	Repealed	416
3376	Repealed	416
3377	Repealed	416
3378	Repealed	416
3379	Repealed	416
3380	Repealed	416
3381	Repealed	416
3382	Repealed	416
3383	Repealed	416
3384	Repealed	416
3385	Repealed	416
3386	Repealed	416
3387	Repealed	416
3388	Repealed	416
3389	Repealed	416
3396	Repealed	416
3397	Repealed	416
3398	Repealed	416
3399	Repealed	416
3400	Repealed	416
3401	Repealed	416
3402	Repealed	416
3403	Repealed	416
3404	Repealed	416
3405	Repealed	416
3406	Repealed	416
3407	Repealed	416
3408	Repealed	416
3409	Repealed	416
3410	Repealed	416
3411	Repealed	416
3412	Repealed	416
3417	Repealed	416
3418	Repealed	416
3419	Repealed	416
3420	Repealed	416

HeinOnline -- 1913 677 1913

Sec.		Page.
3421	Repealed	416
3422	Repealed	416
3423	Repealed	416
3424	Repealed	416
3425	Repealed	416
2426	Repealed	416
3427	Repealed	416
3428	Repealed	416
3429	Repealed	416
4048	Amended	24
4062	Amended	54
4124	Amended	24
4655	Amended	9
4659	Amended	2
4664	Amended	2
4681	Amended	3
4725	Amended	16
5212	Amended	51
5749	Amended	27
5757	Repealed	383
5758	Repealed	383
5759	Repealed	383
5760	Repealed	383
5761	Repealed	383
5762	Repealed	383
5763	Repealed	383
5764	Repealed	383
5765	Repealed	383
5766	Repealed	383
5767	Repealed	383
5768	Repealed	383
5769	Repealed	383
5770	Repealed	383
5771	Repealed	383
5772	Repealed	383
5773	Repealed	383
5815	Amended	65
6121	Amended	27
6825	Sub. S. 7 Amended	81
6837	Amended	447
6839	Amended	447
7359	Amended	483
7641	Amended	470
7671	Amended	104
7673	Amended	105
7891	Amended	57
8336	Amended	15
8444	Amended	42
8447	Amended	426
8468	Repealed	42
8782	Amended	342
8784	Amended	45
8792	Amended	327
8793	Amended	329
8798	Amended	331
8799	Amended	332
8801	Amended	332
8802	Amended	436
9720	Amended	9

STATUTES.

Laws of 1909.

Chap.	Sec.		Page.
11	1	Repealed	306
11	2	Repealed	306
25	1	Amended	54
27	1	Repealed	306
27	2	Repealed	306
27	3	Repealed	306
27	45	Repealed	306
28	1	Repealed	306
31	1	Repealed	306
31	2	Repealed	306
31	3	Repealed	306
31	4	Repealed	306
31	5	Repealed	306
32	1	Repealed	306
35	1	Repealed	306
45	3	Amended	52
66	1	Amended	57
73	1	Repealed	306
73	2	Repealed	306
73	3	Repealed	306
73	4	Repealed	306
73	5	Repealed	306
73	6	Repealed	306
73	7	Repealed	306
73	8	Repealed	306
73	9	Repealed	306
73	10	Repealed	306
73	11	Repealed	306
73	12	Repealed	306
73	13	Repealed	306
73	14	Repealed	306
73	15	Repealed	306
73	16	Repealed	306
76	1	Amended	467
76	2	Amended	467
76	3	Amended	467
81	1	Amended	342
81	3	Amended	45
90	1	Amended	331
98	1	Repealed	306
98	2	Repealed	306
98	3	Repealed	306
104	1	Amended	337
104	2	Amended	338
121	1	Repealed	161
121	2	Repealed	161
121	3	Repealed	161
121	4	Repealed	161
121	5	Repealed	161
121	6	Repealed	161
121	7	Repealed	161
121	8	Repealed	161
121	9	Repealed	161
121	10	Repealed	161
121	11	Repealed	161
121	12	Repealed	161
121	13	Repealed	161
121	14	Repealed	161
121	15	Repealed	161
121	16	Repealed	161
121	17	Repealed	161
121	18	Repealed	161
121	19	Repealed	161
127	1	Repealed	417
127	2	Repealed	417
130	2	Repealed	332
130	3	Repealed	332
130	4	Repealed	332
133	1	Amended	66
136	3	Amended	442-3
136	4	Amended	442-3
143	1	Repealed	161
143	2	Repealed	161
143	3	Repealed	161
143	4	Repealed	161
143	5	Repealed	161
143	6	Repealed	161
143	7	Repealed	161
143	8	Repealed	161
143	9	Repealed	161
143	10	Repealed	161
143	11	Repealed	161
143	12	Repealed	161
143	13	Repealed	161

HeinOnline -- 1913 678 1913

Chap.	Sec.		Page.
146	38	Amended	452
146	38	Amended	476
146	56	Amended	476
146	56A.	Added	476
146	56B.	Added	478
146	56C.	Added	478
146	56D.	Added	478
146	56E.	Added	478
146	56F.	Added	479

STATUTES.

Laws of 1911.

Chap.	Sec.		Page.
10	1	Amended	33
16	1	Repealed	306
16	2	Repealed	306
18	1	Re-enacted	338
18	2	Re-enacted	338
18	3	Re-enacted	338
24	1	Repealed	306
24	2	Repealed	306
34	1	Repealed	265
34	2	Repealed	365
34	3	Repealed	365
34	4	Repealed	365
34	5	Repealed	365
34	6	Repealed	365
34	7	Repealed	365
34	8	Repealed	365
34	9	Repealed	365
34	10	Repealed	365
34	11	Repealed	365
34	12	Repealed	365
34	13	Repealed	365
34	14	Repealed	365
34	15	Repealed	365
34	16	Repealed	365
34	17	Repealed	365
34	18	Repealed	365
34	19	Repealed	365
34	20	Repealed	365
34	21	Repealed	365
34	22	Repealed	365
34	23	Repealed	365
34	24	Repealed	365
34	25	Repealed	365
34	26	Repealed	365
34	27	Repealed	365
34	28	Repealed	365
34	29	Repealed	365
34	30	Repealed	365
34	31	Repealed	365
34	32	Repealed	365
40	1	Repealed	306
40	2	Repealed	306
41	1	Repealed	306
41	2	Repealed	306
42	1	Repealed	306
42	2	Repealed	306
42	3	Repealed	306
57	32	Amended	480
62	1	Repealed	417
71	1	Repealed	306
71	2	Repealed	306
82	1	Repealed	306
83	1	Re-enacted	338
90	1	Amended	331
92	3	Amended	48
92	3A.	Added	49
102	1	Repealed	306
102	2	Repealed	306
102	3	Repealed	306
102	4	Repealed	306
102	5	Repealed	306
105	1	Repealed	127
105	2	Repealed	127
105	3	Repealed	127
105	4	Repealed	127
105	5	Repealed	127
105	6	Repealed	127
105	7	Repealed	127
105	8	Repealed	127
105	9	Repealed	127
105	10	Repealed	127
105	11	Repealed	127
105	12	Repealed	127
105	13	Repealed	127
105	14	Repealed	127
105	15	Repealed	127
105	16	Repealed	127
105	17	Repealed	127
105	18	Repealed	127
105	19	Repealed	127
105	20	Repealed	127
105	21	Repealed	127
105	22	Repealed	127
105	23	Repealed	127
108	1	Amended	102
112	1	Amended	484
112	2	Amended	485
112	3	Amended	490
112	4	Amended	493
112	5	Re-enacted	493
112	6	Re-enacted	493
112	7	Re-enacted	493
112	7	Amended	503
112	8	Re-enacted	493
112	9	Re-enacted	493
112	10	Re-enacted	493
112	11	Re-enacted	493
112	12	Re-enacted	493
112	13	Re-enacted	493
112	14	Re-enacted	493
112	15	Re-enacted	493
112	16	Re-enacted	493
112	17	Re-enacted	493
113	1	Amended	170
113	2	Amended	170
113	3	Amended	170
113	4	Amended	170
113	5	Amended	170
113	6	Amended	170
113	7	Amended	170
113	8	Amended	170
113	9	Amended	170
113	10	Amended	170
113	11	Amended	170
113	12	Amended	170
113	13	Amended	170
113	14	Amended	170
113	15	Amended	170
113	16	Amended	170
113	17	Amended	170
113	18	Amended	170
113	19	Amended	170
113	20	Amended	170
113	21	Amended	170
113	22	Amended	170
113	23	Amended	170
113	24	Amended	170
113	25	Amended	170
113	26	Amended	170
113	27	Amended	170

HeinOnline -- 1913 679 1913

Chap.	Sec.		Page.
113	28	Amended	170
113	29	Amended	170
113	30	Amended	170
113	31	Amended	170
113	32	Amended	170
113	33	Amended	170
113	34	Amended	170
113	35	Amended	19
113	36	Amended	170
113	37	Amended	170
113	38	Amended	170
113	39	Amended	170
113	40	Amended	170
113	41	Amended	170
116	1	Amended	135
116	2	Amended	136
116	3	Amended	136
113	4	Amended	136
131	1	Repealed	306
131	2	Repealed	306
131	3	Repealed	306
131	4	Repealed	306
131	5	Repealed	306
131	6	Repealed	306
131	7	Repealed	306
136	2	Amended	102
138	1	Repealed	307-18
138	2	Repealed	307-18
138	3	Repealed	307-18
138	4	Repealed	307-18
138	5	Repealed	307-18
138	6	Repealed	307-18
138	7	Repealed	307-18
138	8	Repealed	307-18
138	9	Repealed	307-18
138	10	Repealed	307-18
138	11	Repealed	307-18
138	12	Repealed	307-18
138	13	Repealed	307-18
138	14	Repealed	307-18
138	15	Repealed	307-18
138	16	Repealed	307-18
138	17	Repealed	307-18
138	18	Repealed	307-18
138	19	Repealed	307-18
138	20	Repealed	307-18
138	21	Repealed	307-18
138	22	Repealed	307-18
138	23	Repealed	307-18
148	5	Amended	427
148	16	Amended	427

STATUTES.

Laws of 1913.

Chap.	Sec.		Page.
72	2 of Chap. 9	Repealed	165
19	1	Repealed	189

HeinOnline -- 1913 680 1913